

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED-CLEMA
U.S. DISTRICT COURT
04 AUG 11 PM 4:00
TX EASTERN-MARSHALL

ORION IP, LLC,

Plaintiff,

v.

STAPLES, INC.

Defendant.

BY _____
Civil Action No. **2-04 CV-297**

JURY DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Orion IP, LLC makes the following allegations against Staples, Inc.

PARTIES

1. Plaintiff Orion IP, LLC ("Orion") is a Delaware limited liability company with its principal place of business at 74-785 Highway 111, Suite 103, Indian Wells, California 92210.

2. Defendant Staples, Inc. ("Staples") is a Delaware corporation with its principal place of business at 500 Staples Drive, Framingham, Massachusetts and has offices and stores throughout the United States, Texas and the Eastern District of Texas.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Defendant Staples has a regular and established place of business in this district, has transacted business in this district and, on information and belief, has committed acts of patent infringement in this district.

COUNT 1

INFRINGEMENT OF U.S. PATENT NO. 5,367,627

5. Orion is the owner by assignment of United States Patent No. 5,367,627 (“the ‘627 patent”) entitled “Computer-Assisted Parts Sales Method,” a true copy of which is attached as Exhibit A, duly issued on November 22, 1994.

6. The ‘627 Patent was invented by Jerome D. Johnson.

7. Defendant has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘627 patent in the state of Texas, in this judicial district, and elsewhere in the United States by, among other things, making and using supply chain methods, supply chain systems, sales methods, sales systems, marketing methods, marketing systems, inventory methods and inventory systems covered by one or more claims of the ‘627 patent to the injury of Orion.

8. Defendant has actively induced and is actively inducing infringement of the ‘627 patent.

9. As a result of Defendant's infringement of the ‘627 patent, Orion has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents,

attorneys, representatives, and all others acting on their behalf or in concert or privity with any of them from infringing the '627 patent, Orion will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Orion requests that this Court enter:

A judgment in favor of Orion that Defendant has infringed, directly and indirectly by way of inducing and/or contributing to the infringement of the '627 patent.

A permanent injunction, enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, attorneys, representatives and all others acting on their behalf or in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the '627 patent.

A judgment and order requiring Defendant to pay Orion damages for Defendant's infringement of the '627 patent, together with interest (both pre- and post- judgment), costs and disbursements as fixed by this Court under 35 U.S.C. §284; and

A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. §285 and awarding to Orion its reasonable attorneys' fees.

ORION DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: August 11, 2004

Respectfully submitted,

ORION IP, LLC

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US005367627A

United States Patent [19]
Johnson

[11] **Patent Number:** **5,367,627**
 [45] **Date of Patent:** * **Nov. 22, 1994**

[54] **COMPUTER-ASSISTED PARTS SALES METHOD**

[75] **Inventor:** Jerome D. Johnson, Mankato, Minn.

[73] **Assignee:** Clear with Computers, Inc., Mankato, Minn.

[*] **Notice:** The portion of the term of this patent subsequent to Feb. 1, 2011 has been disclaimed.

[21] **Appl. No.:** 133,986

[22] **Filed:** Oct. 12, 1993

Related U.S. Application Data

[63] Continuation of Ser. No. 959,525, Oct. 13, 1992, Pat. No. 5,283,865, which is a continuation of Ser. No. 435,809, Nov. 13, 1989, abandoned.

[51] **Int. Cl.** G06F 3/14; G06F 15/24

[52] **U.S. Cl.** 395/161; 364/401; 395/147

[58] **Field of Search** 395/161, 156, 160, 147; 364/401, 403; 434/373, 365, 367, 428

[56] **References Cited**

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Primary Examiner—Raymond J. Bayerl

Attorney, Agent, or Firm—Merchant, Gould, Smith, Edell, Welter & Schmidt

[57] **ABSTRACT**

A computerized system provides a salesperson with assistance related to training and sales of parts corresponding to particular products. More particularly, a computerized system incorporating a data storage device, a display apparatus, a part selection device and a user interface mechanism enhances the efforts of a parts salesman. The data storage device electronically stores graphic and textual partsrelated information including specifications, features and customer benefits. The display apparatus electronically displays portions of the graphic and textual information in order to provide training and sales assistance related to part features and customer benefits. The part selection device electronically selects a particular part by navigating through part choices menus based on stored part specifications. The user interface mechanism controls the operation of the display apparatus and the part selection device parts so that each of the respective parts are operatively coupled and related to one another.

15 Claims, 74 Drawing Sheets

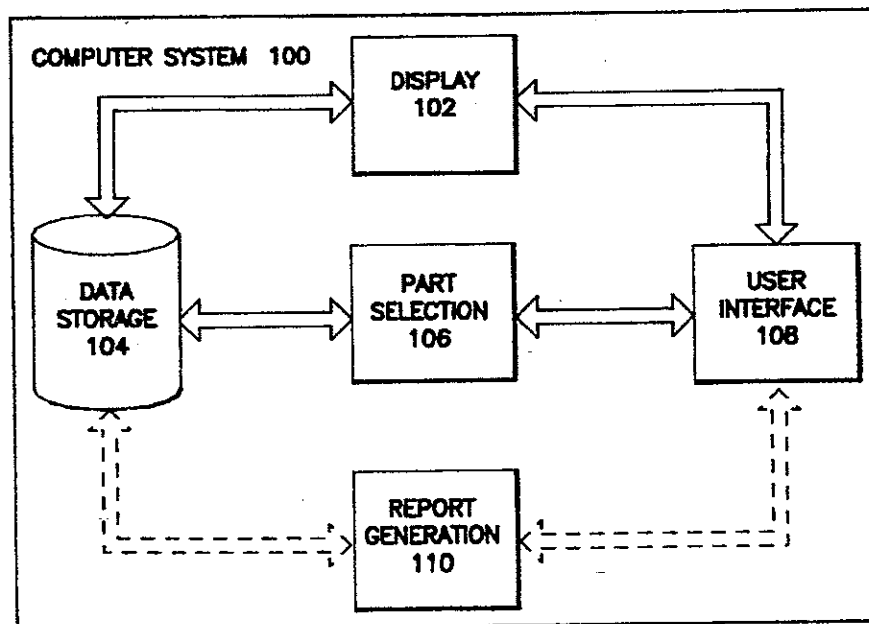
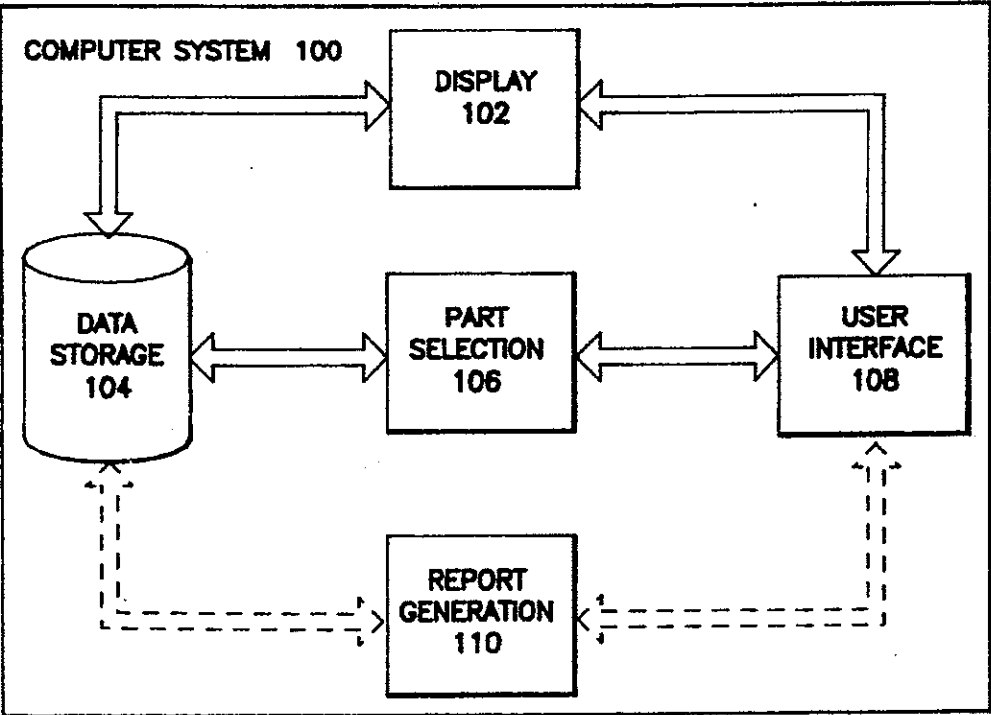


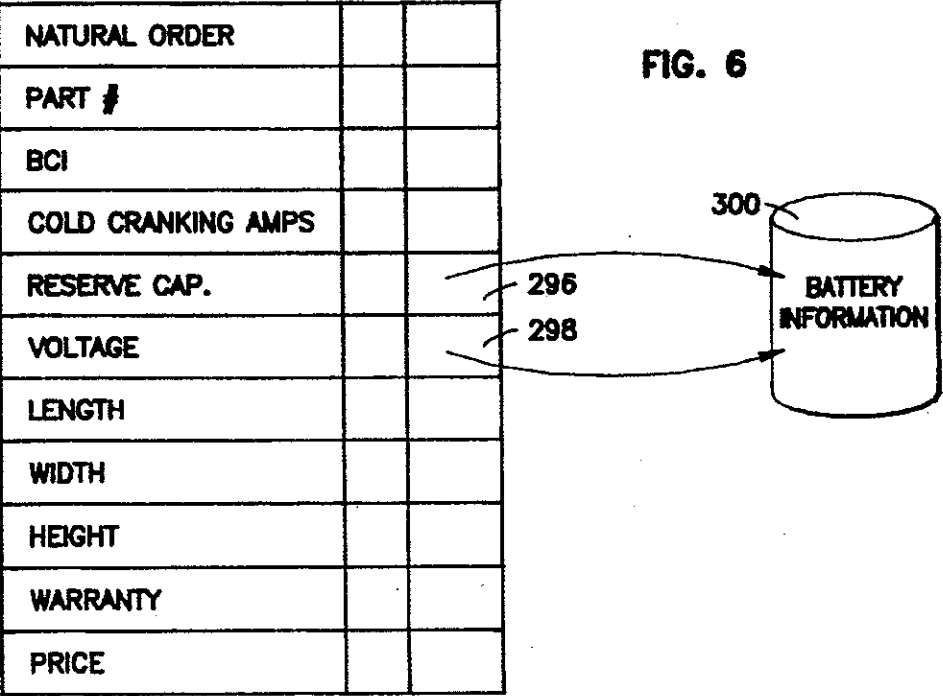
Exhibit A

FIG. 1



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FIG. 6



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FIG. 1A

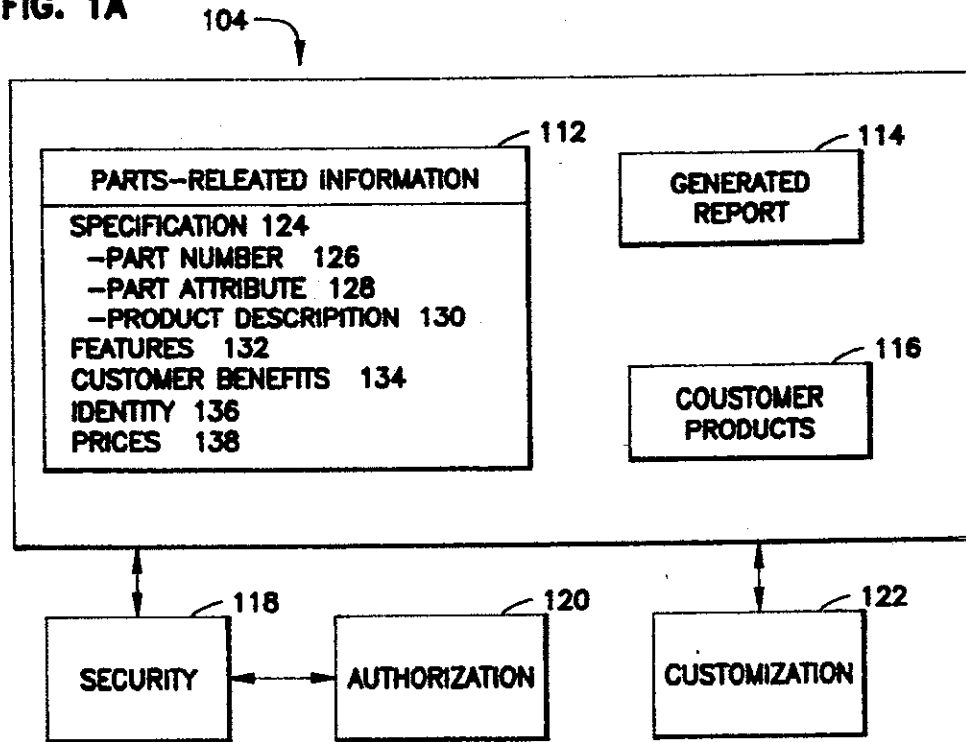
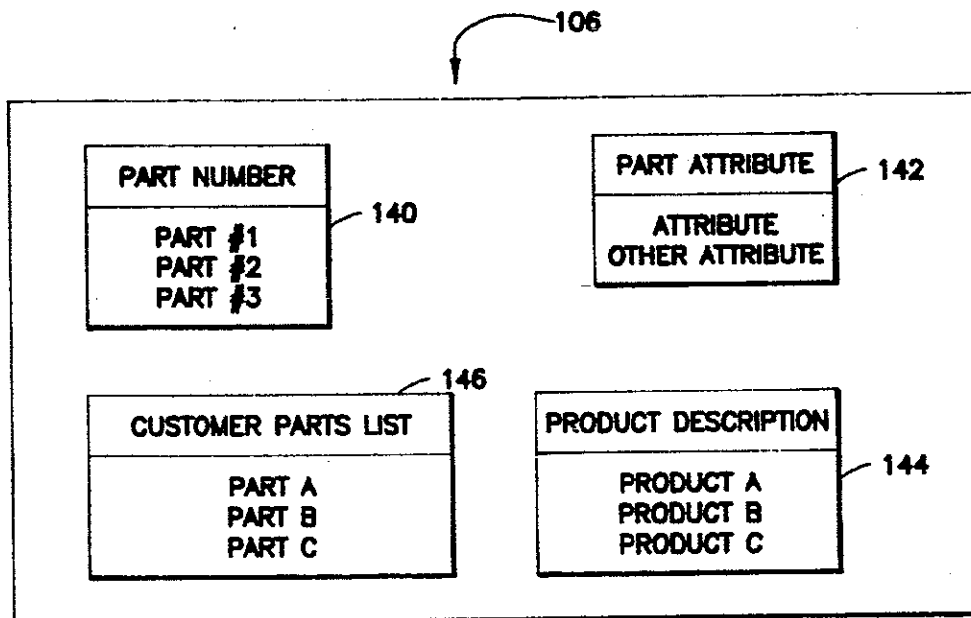


FIG. 1B



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FIG. 1C


108



SEQUENTIAL DISPLAY GENERATION	148
- COLOR SEQUENCE GENERATION	150
- CUSTOMIZED TEXT DISPLAY GENERATION	152
- CUSTOMIZED SEQUENCE GENERATION	154
ANIMATED DEMONSTRATION GENERATION	156

FIG. 1D

110



DEALER PERSONALIZATION	157
CUSTOMER PERSONALIZATION	158
RETRIEVE STORED REPORT	160
UPDATE REPORT	162
PRINTED GRAPHICS GENERATION	164
PRINTED COLOR GENERATION	166

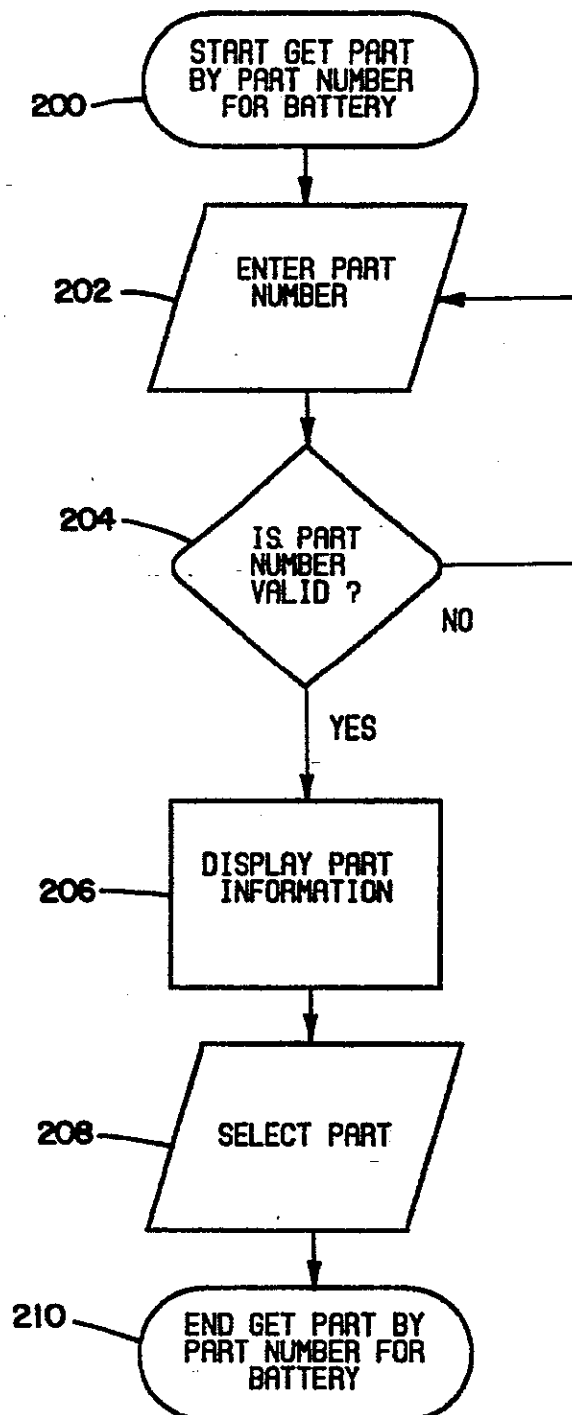
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FIG. 2



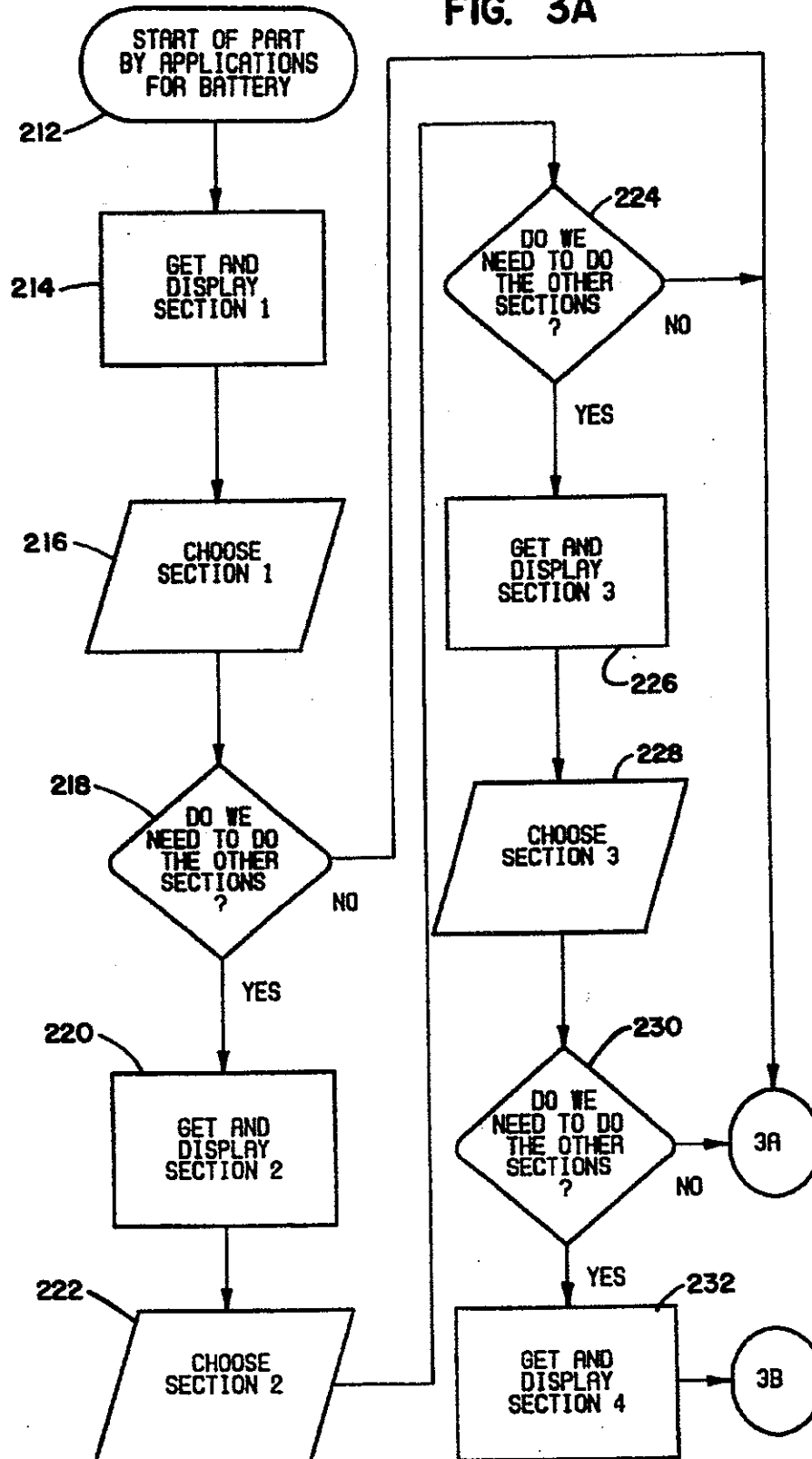
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FIG. 3A



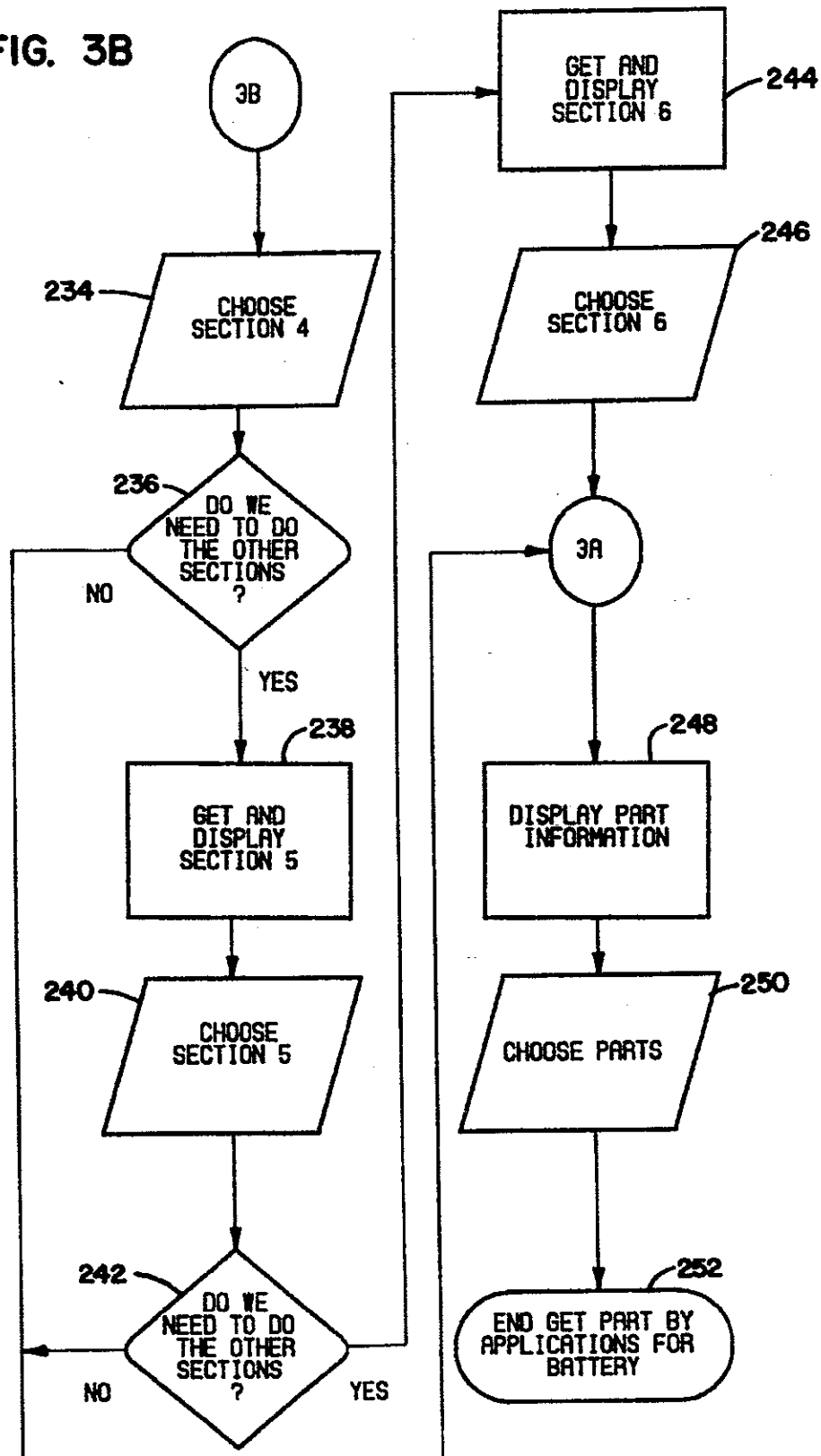
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FIG. 3B



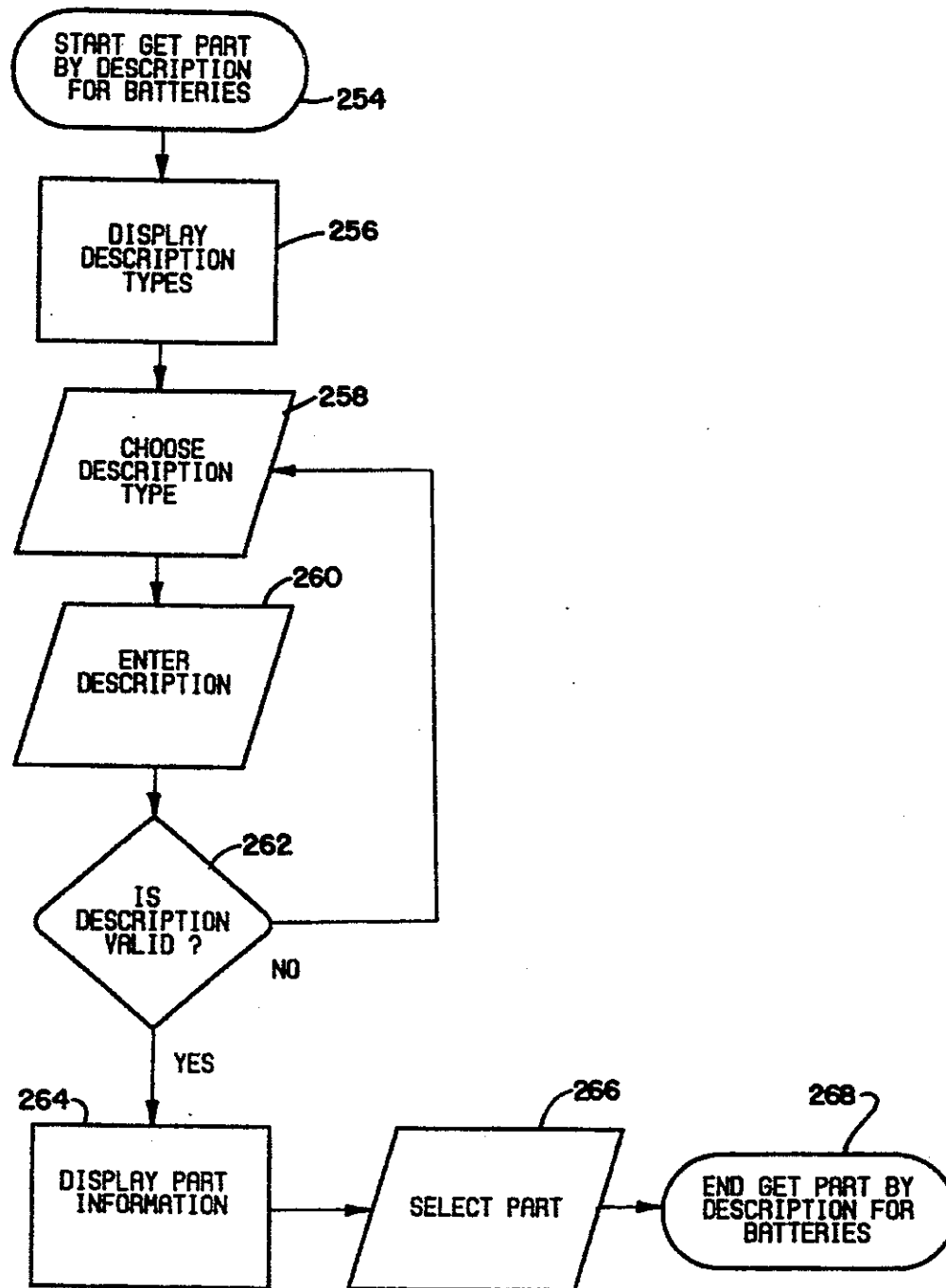
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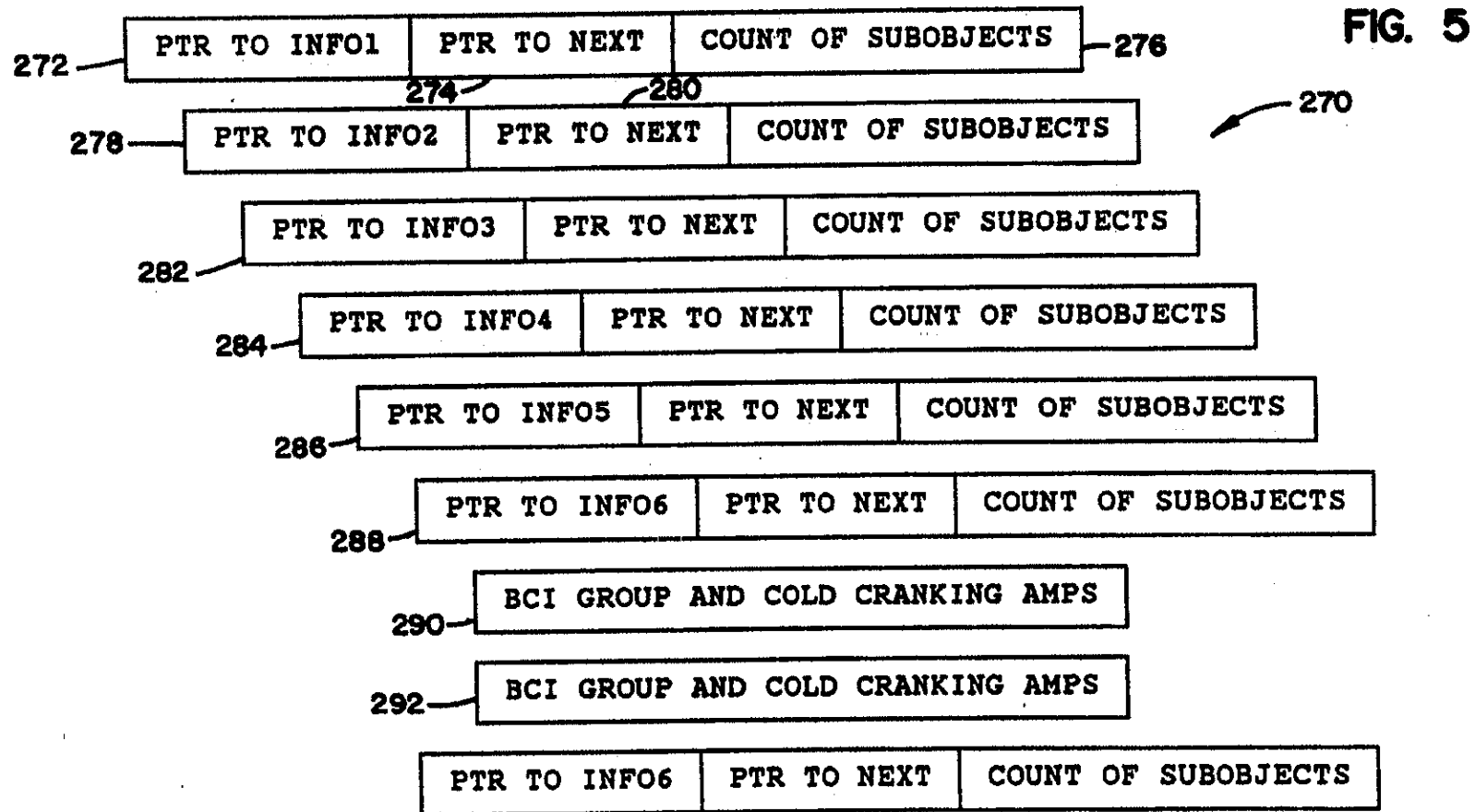
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FIG. 4





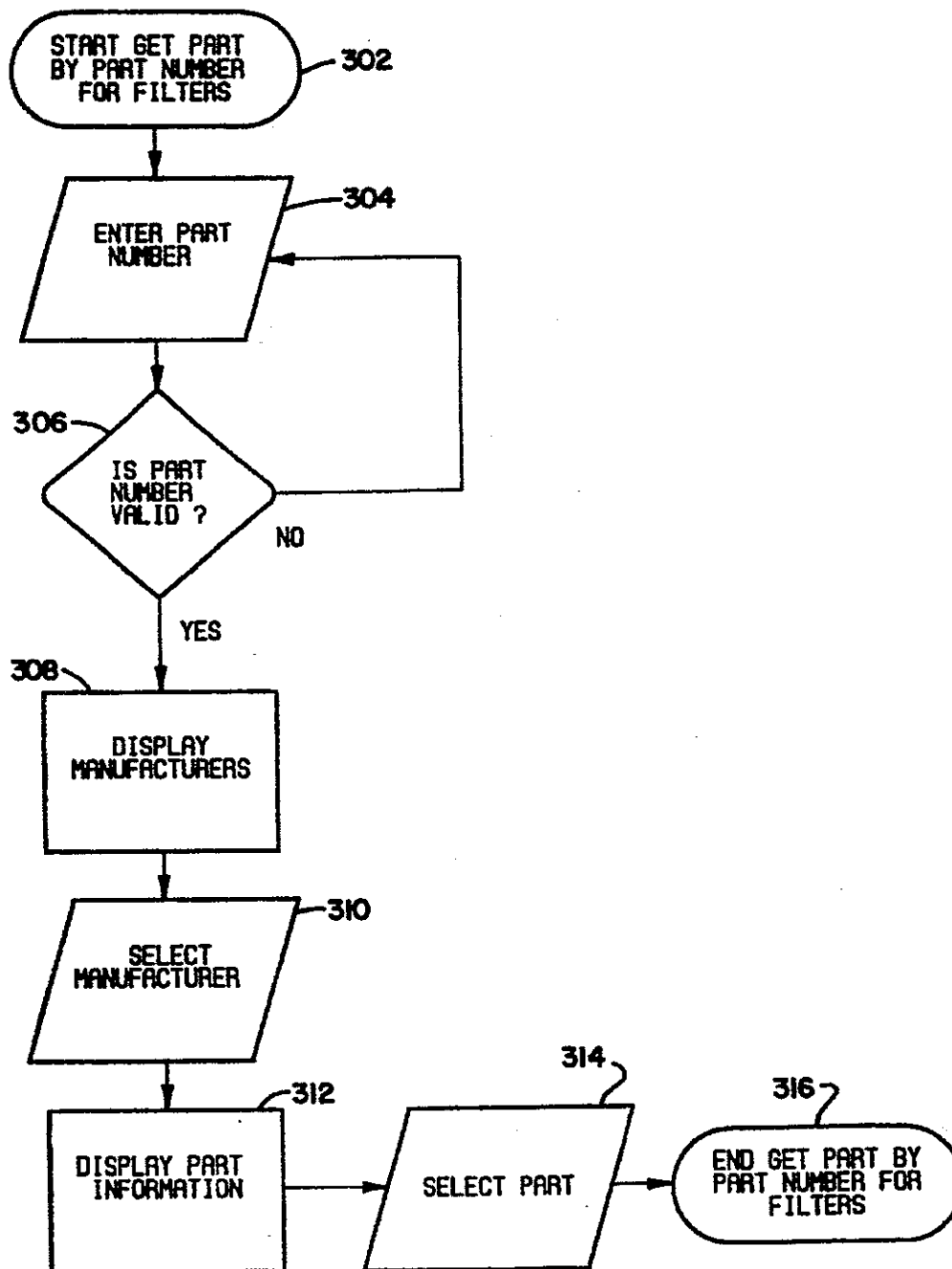
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FIG. 7

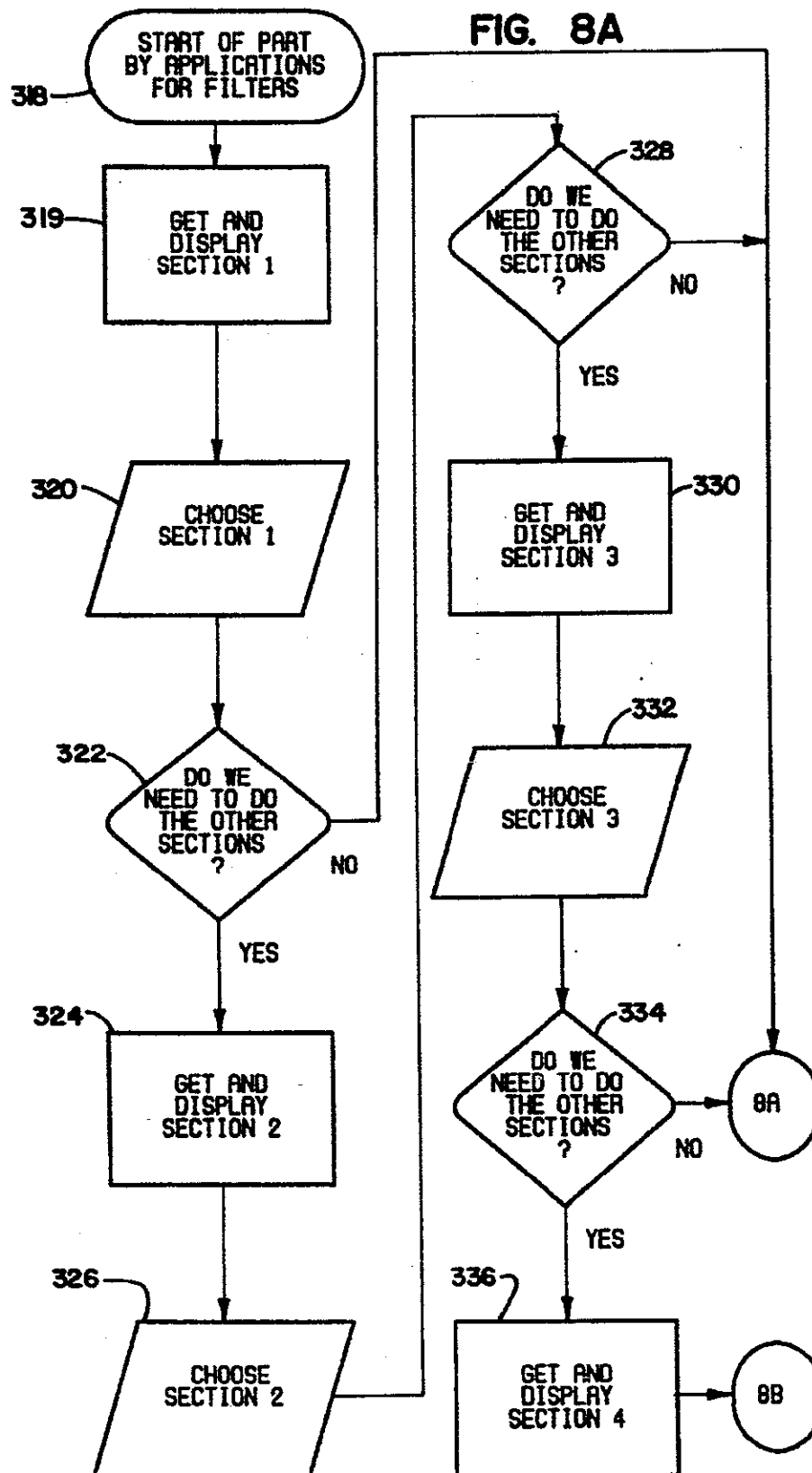


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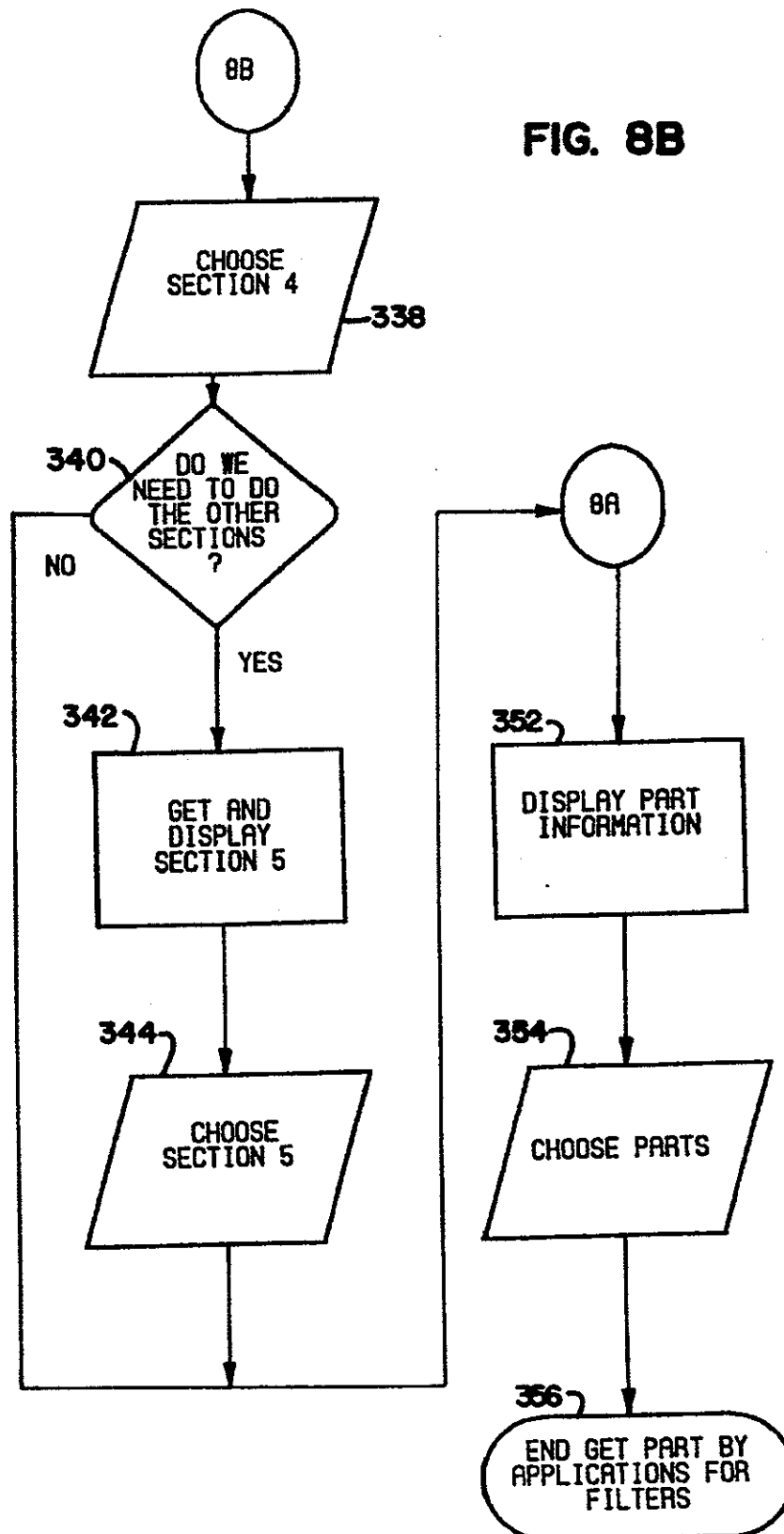
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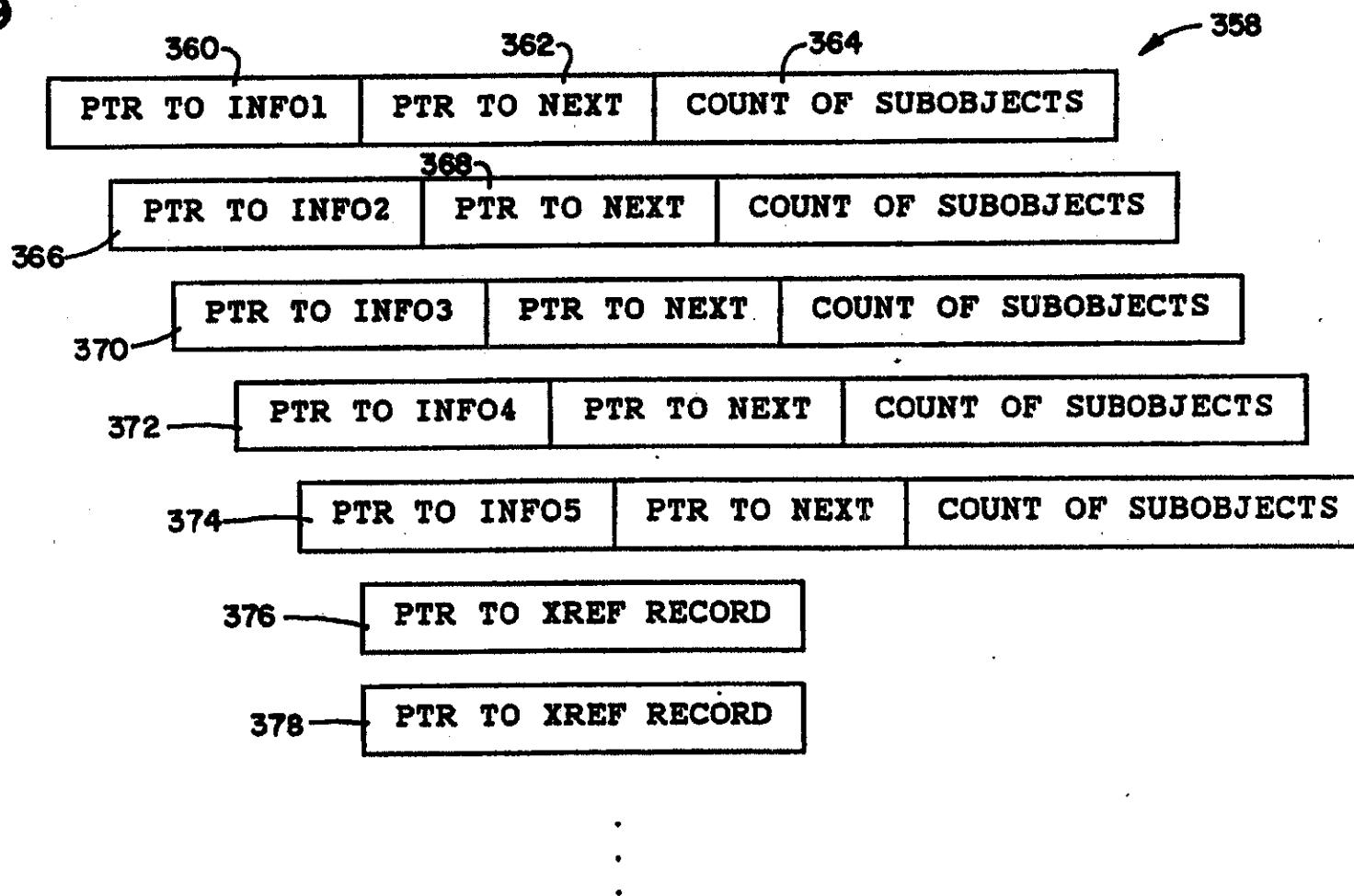
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FIG. 8B





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FIG. 10

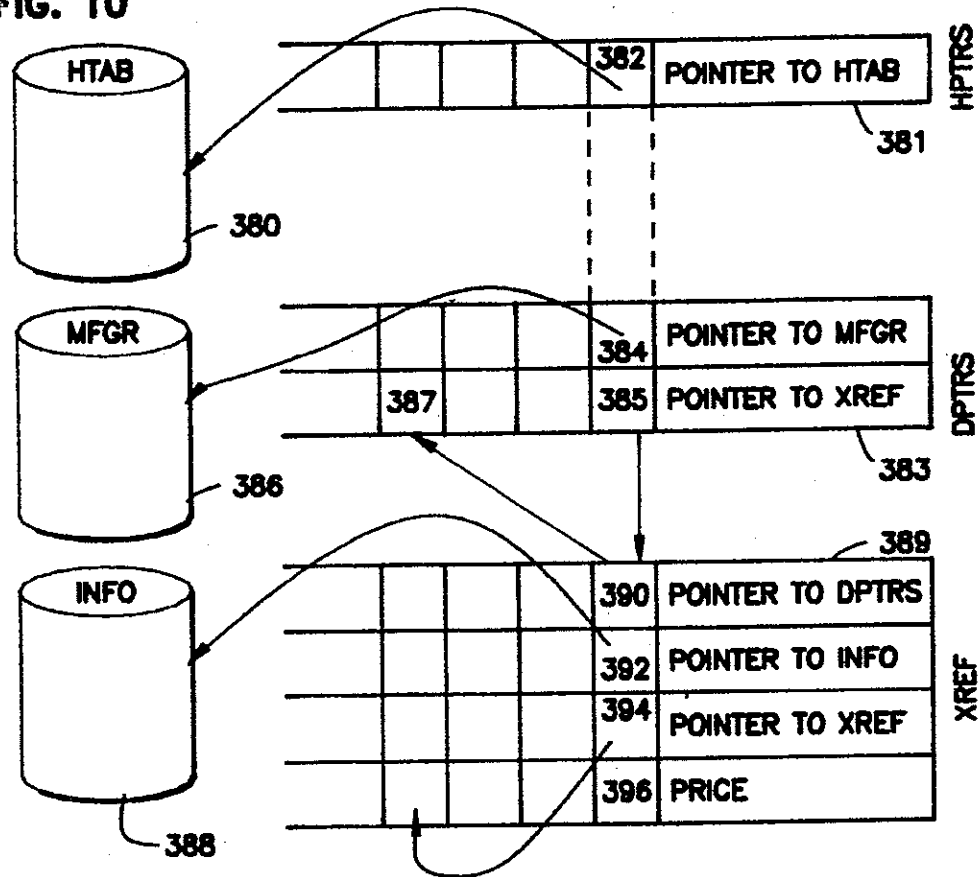
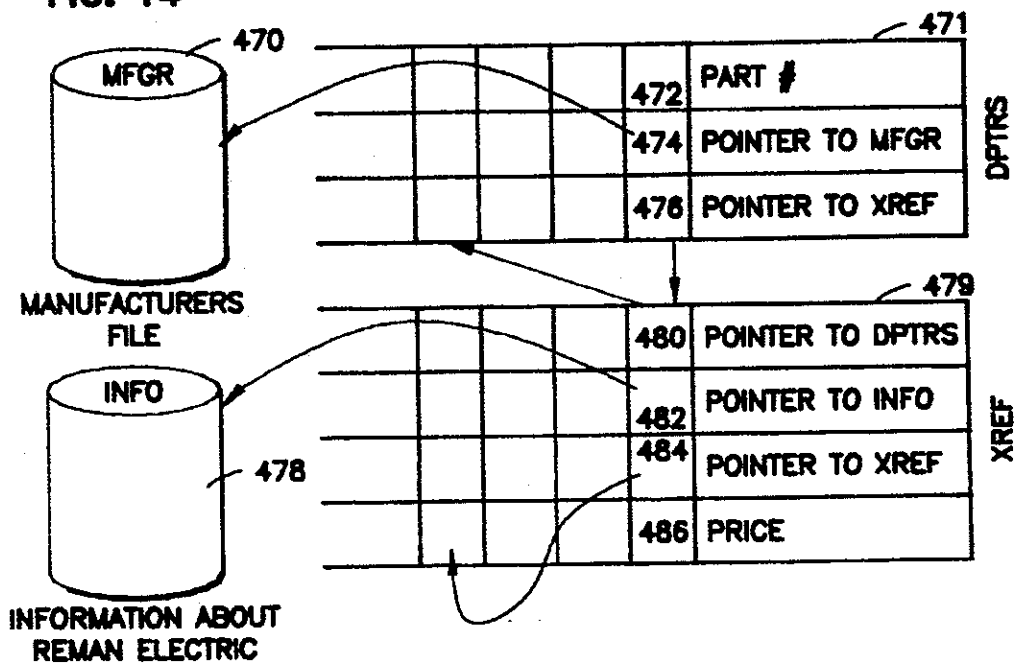


FIG. 14



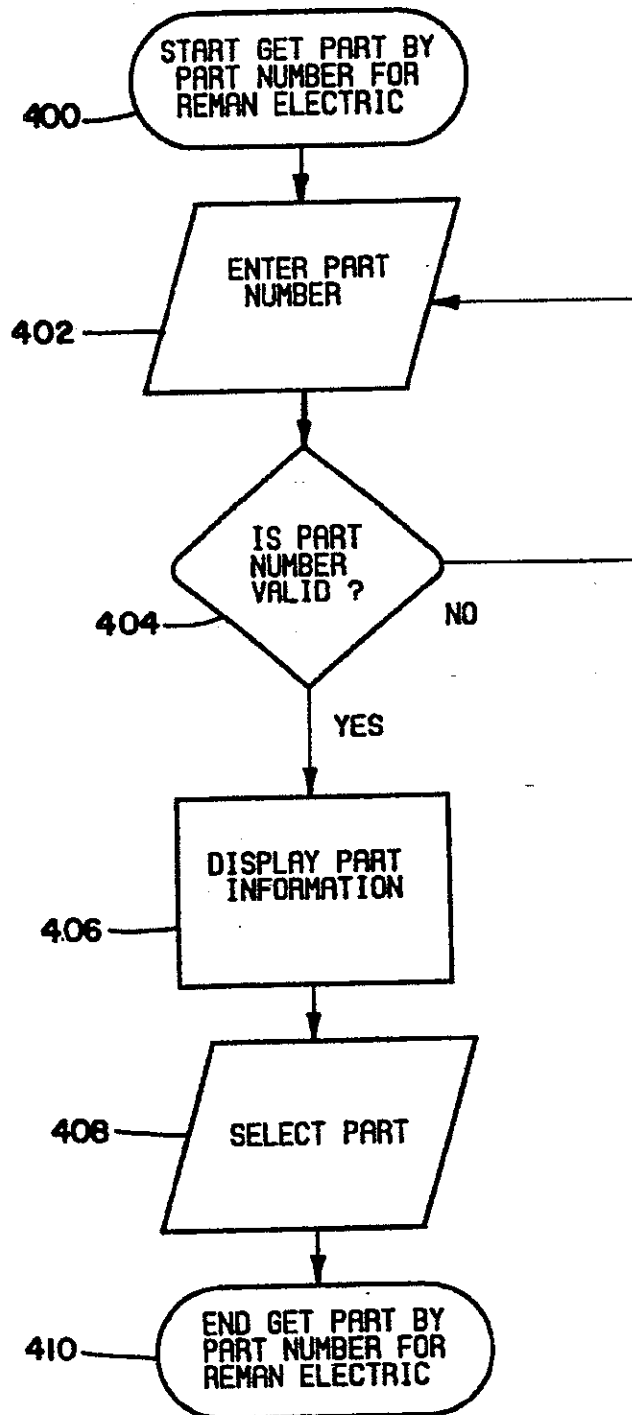
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FIG. 11



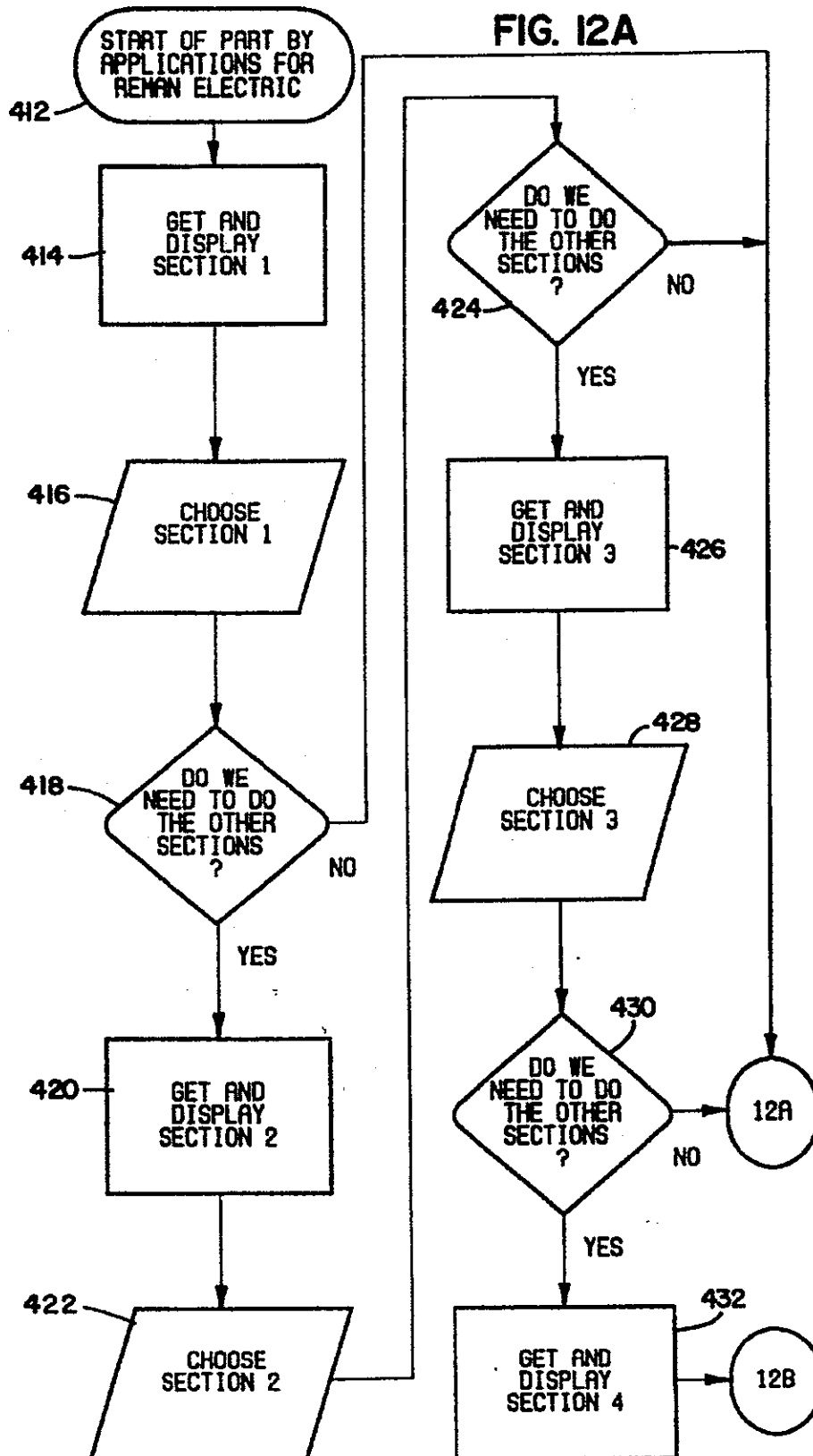
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FIG. 12A



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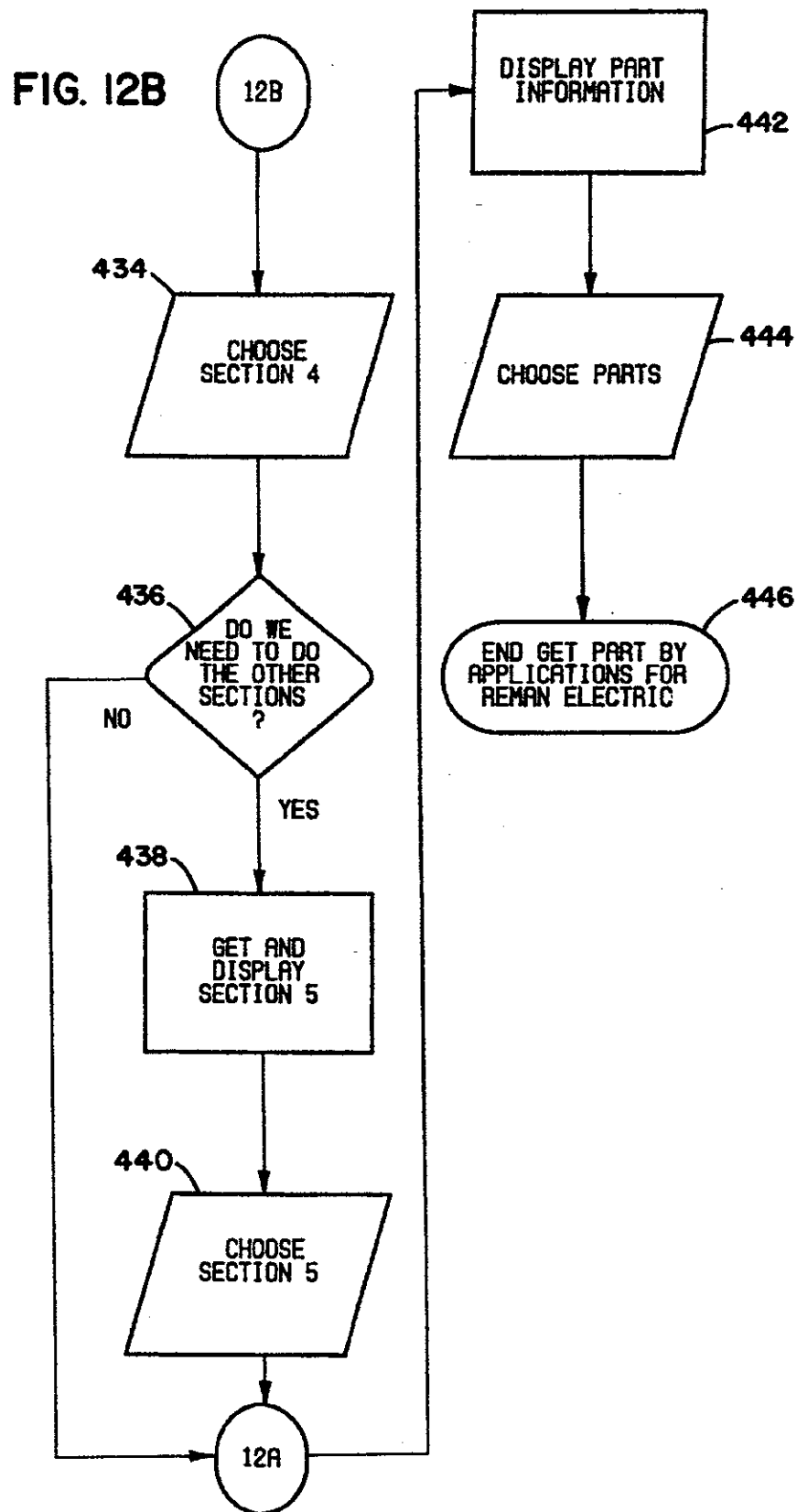
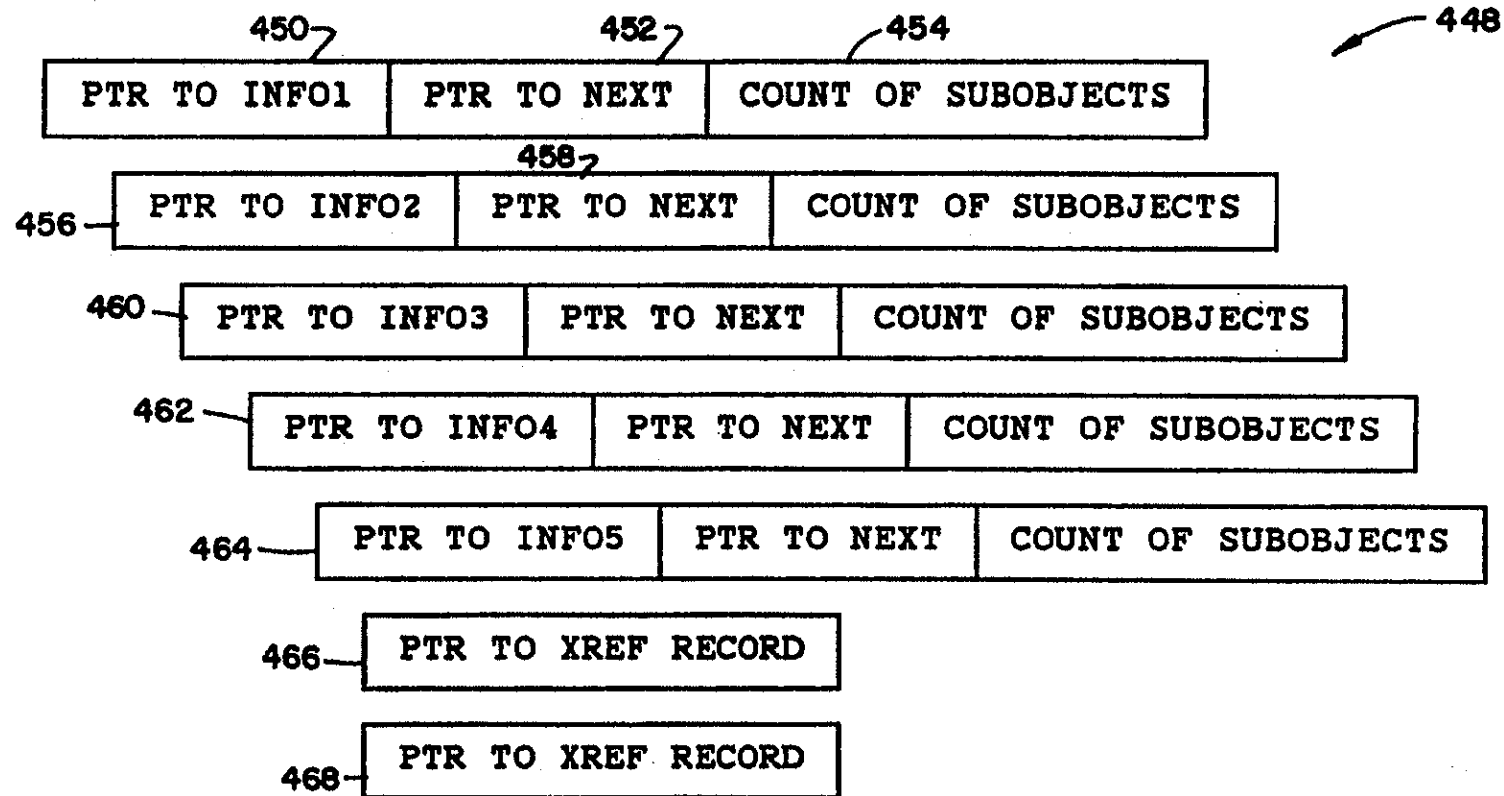


FIG. 13



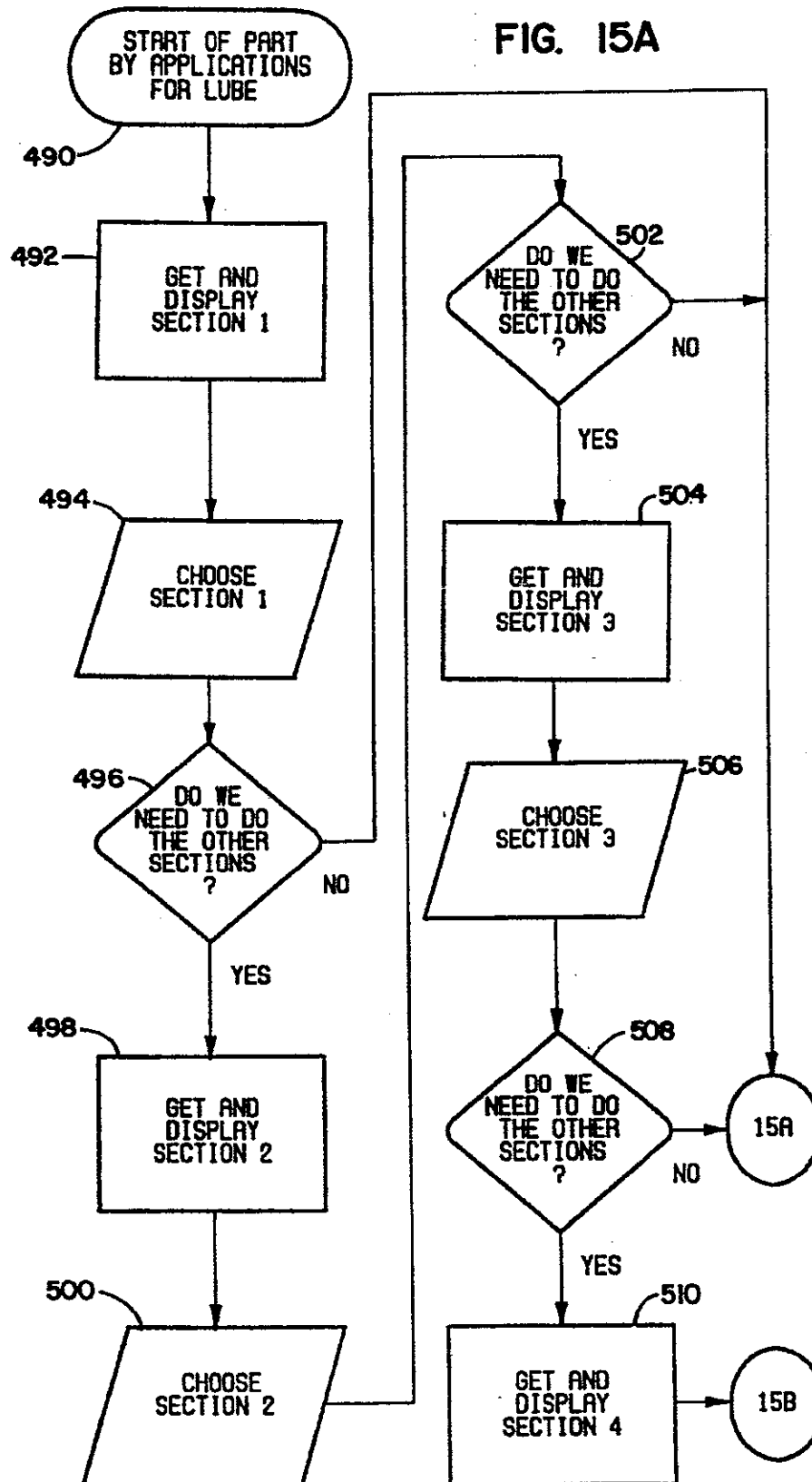
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FIG. 15A



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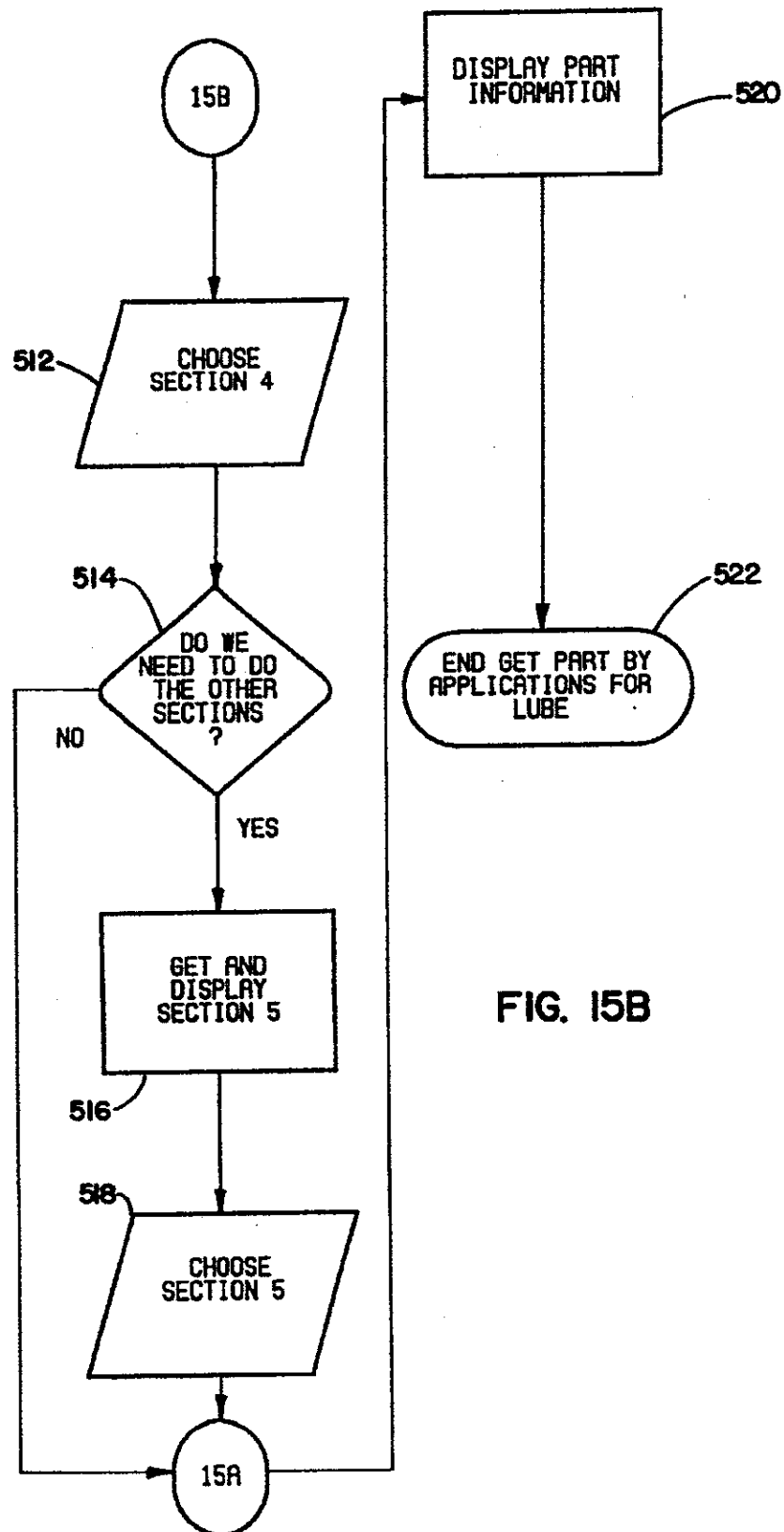


FIG. 15B

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FIG. 16

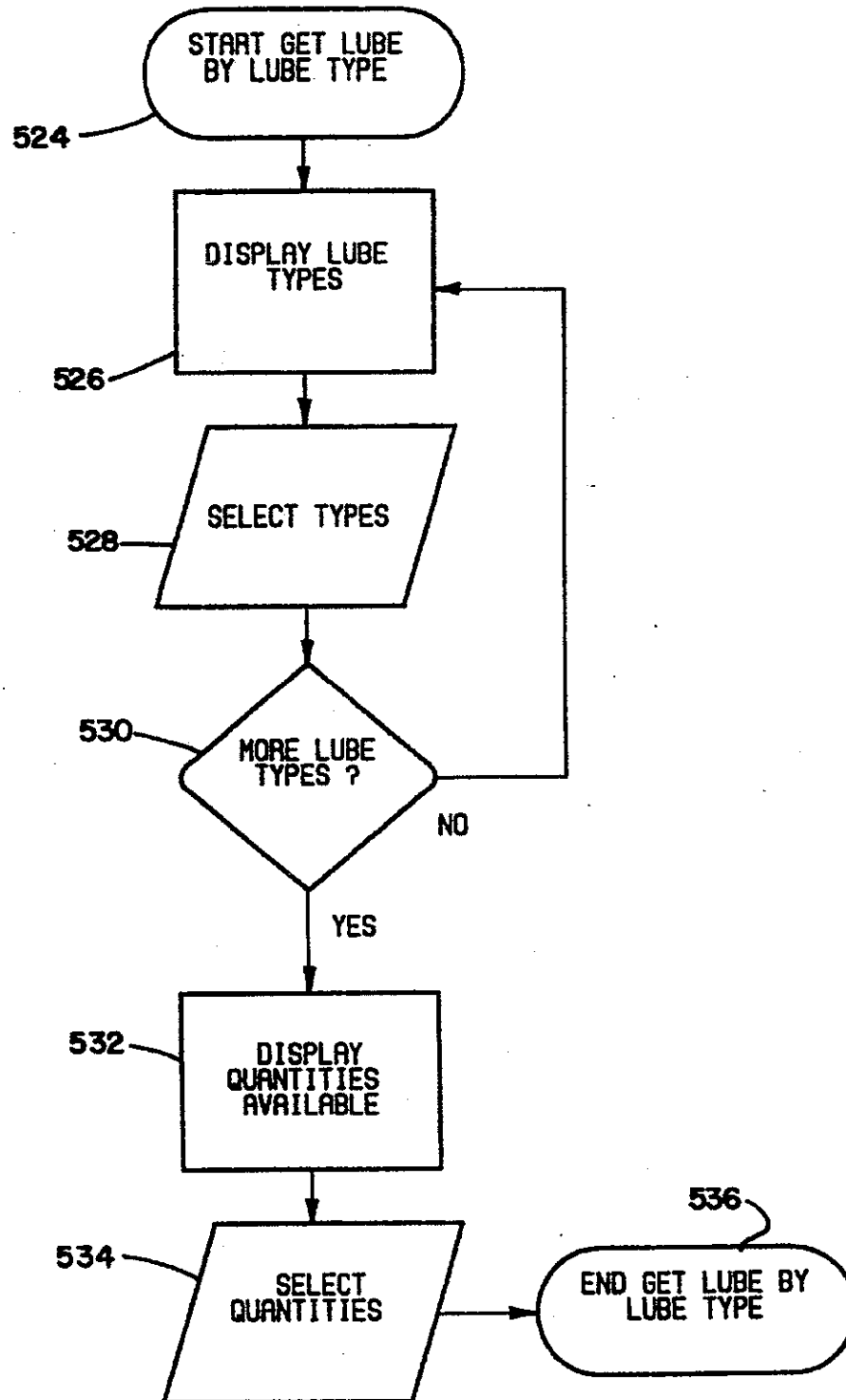
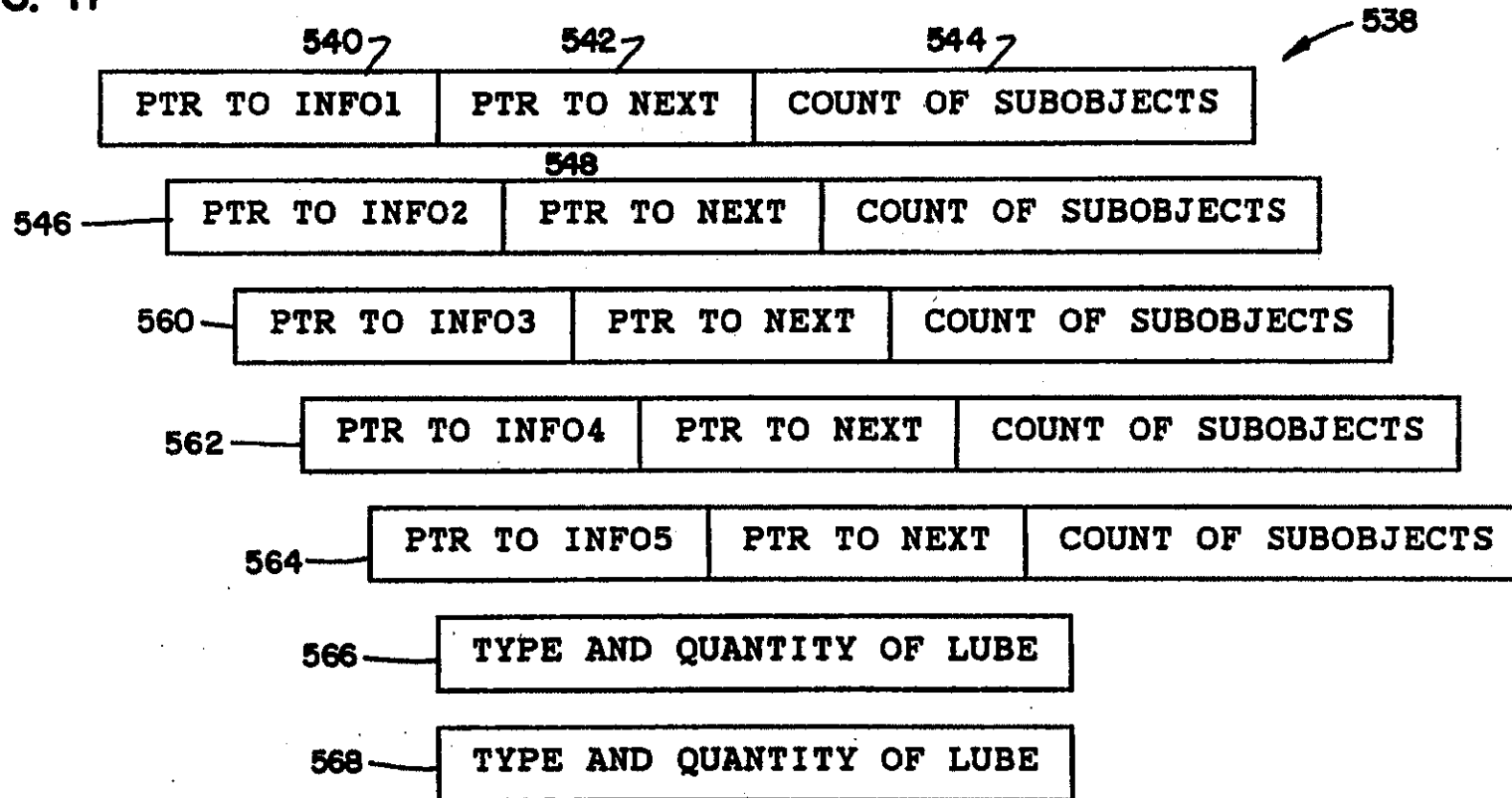


FIG. 17



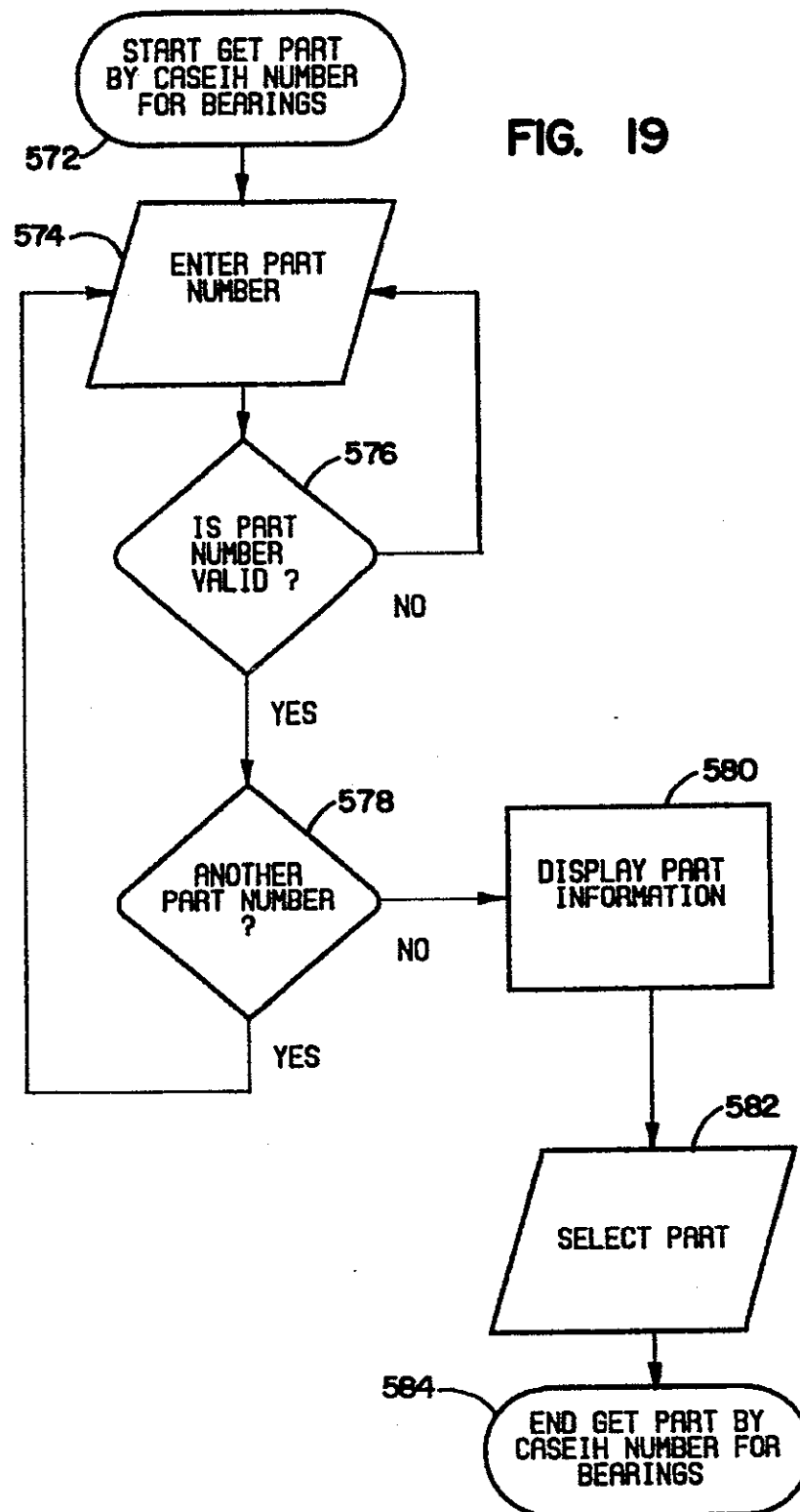
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FIG. 19



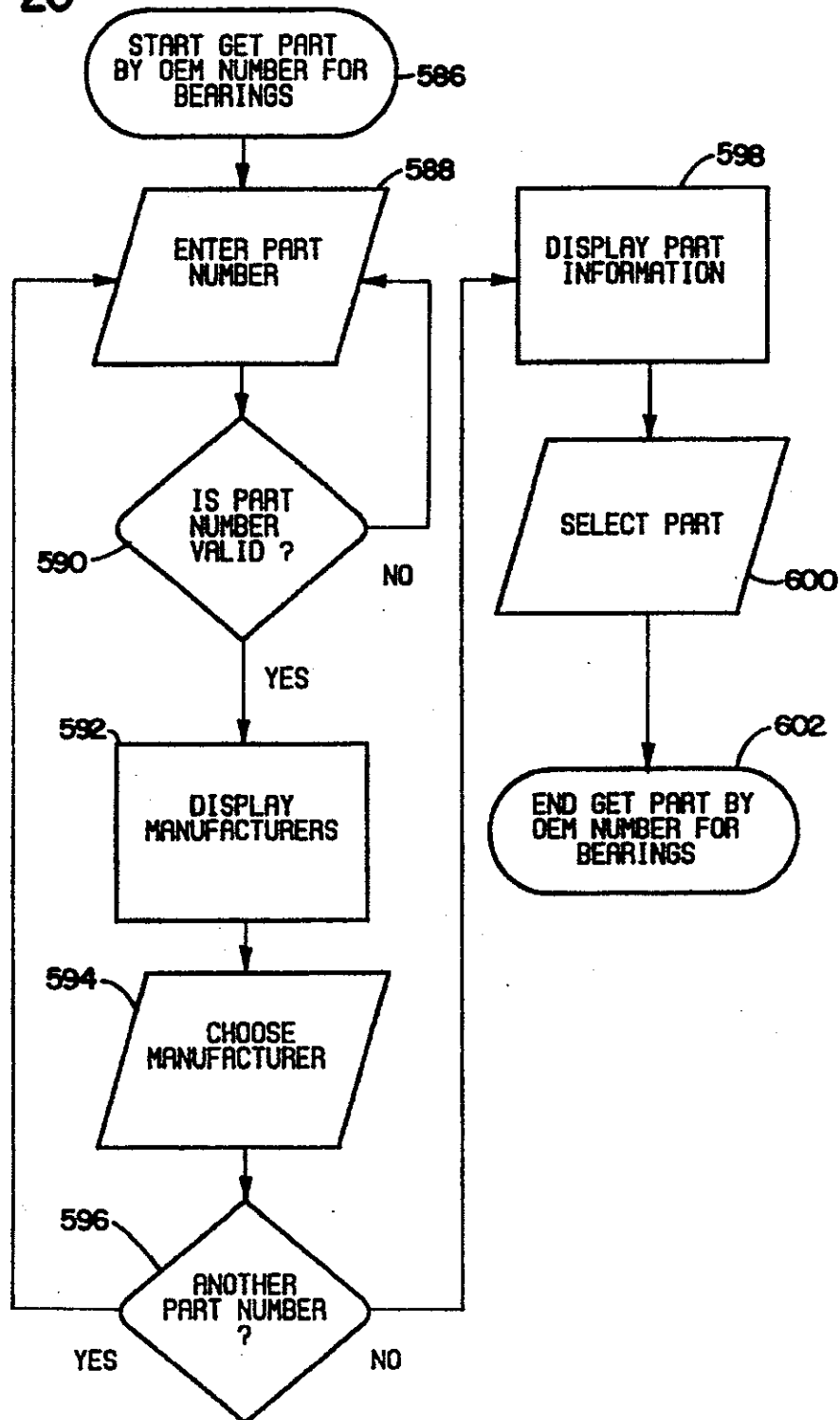
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FIG. 20

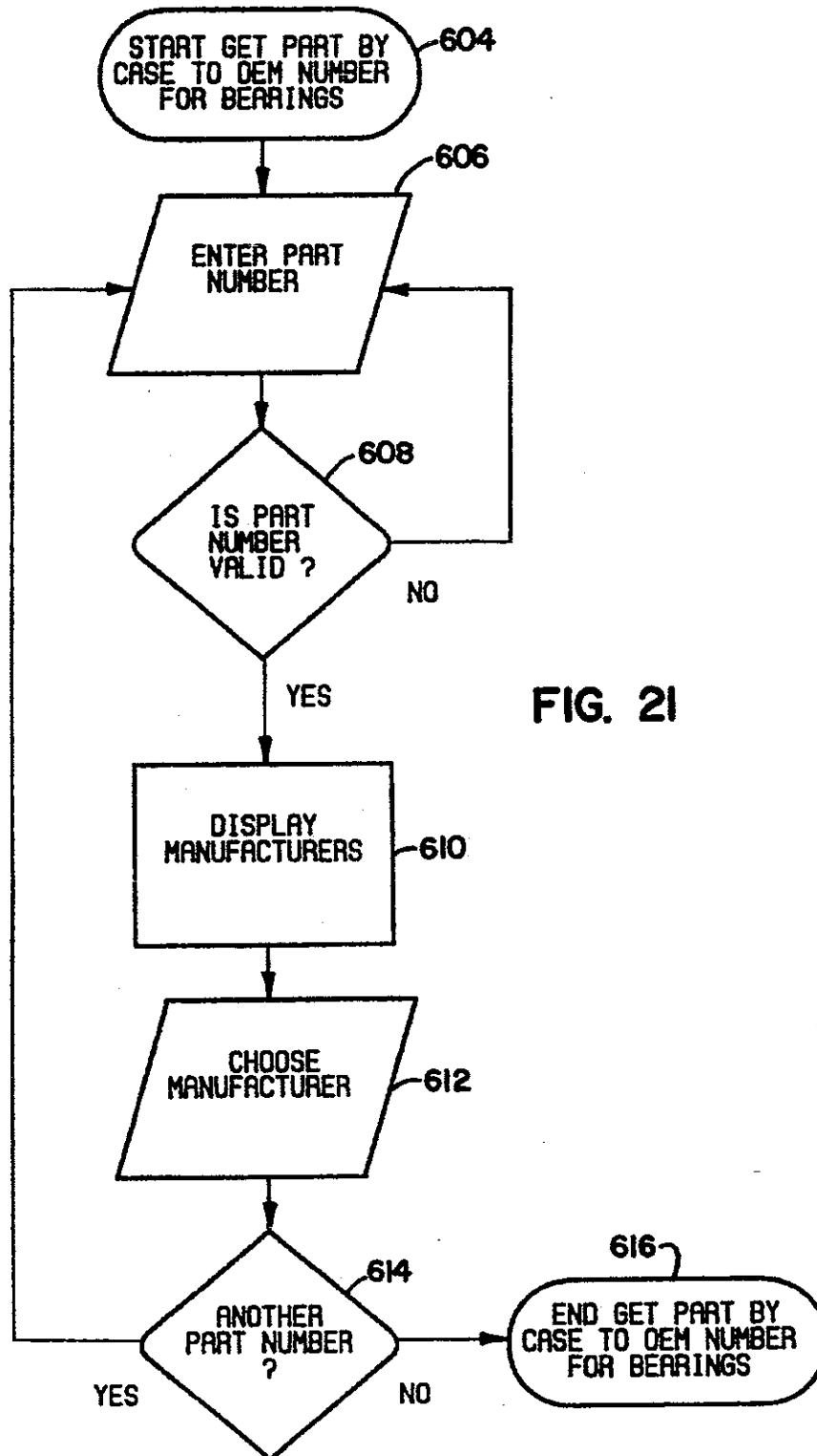


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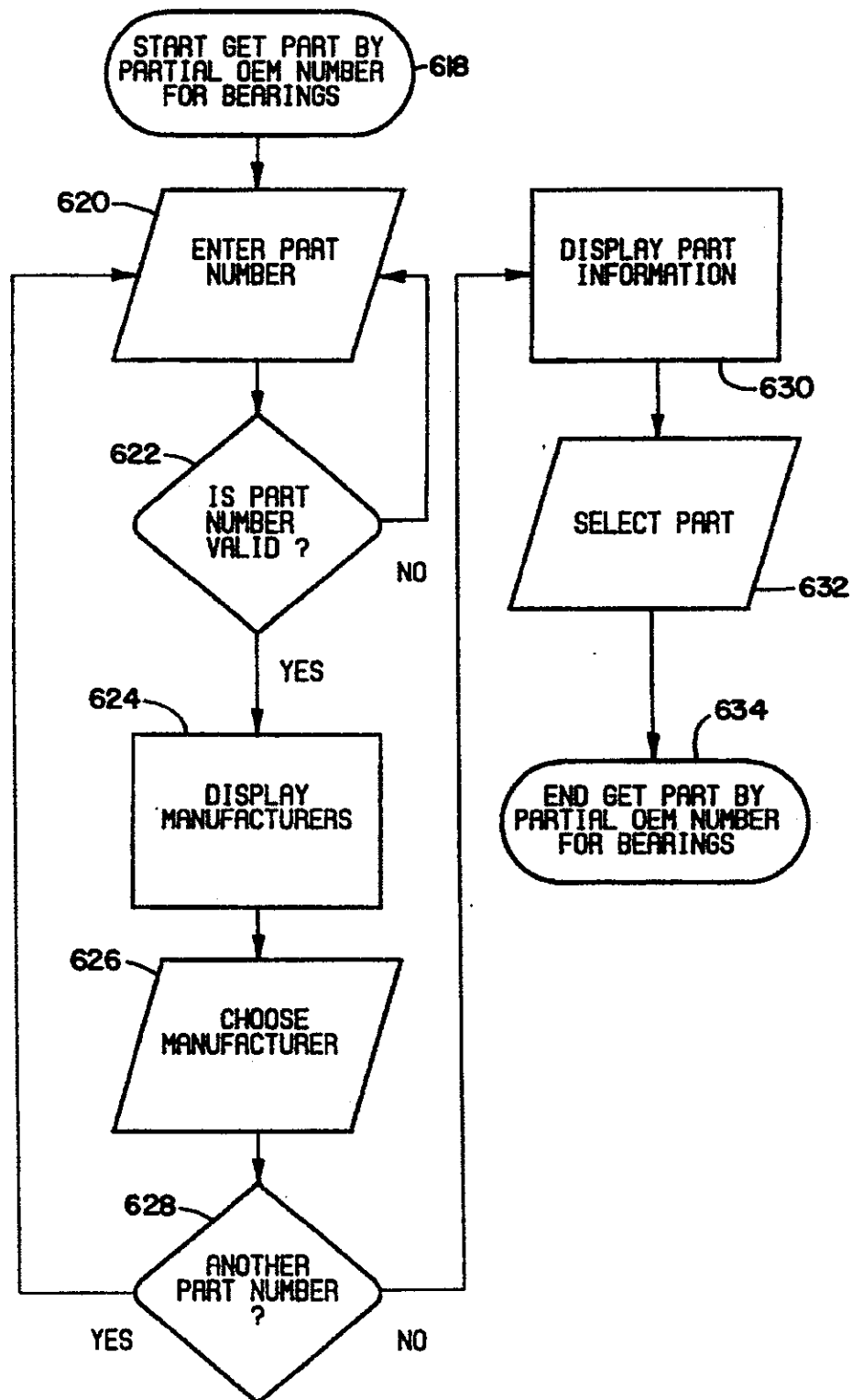
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FIG. 22



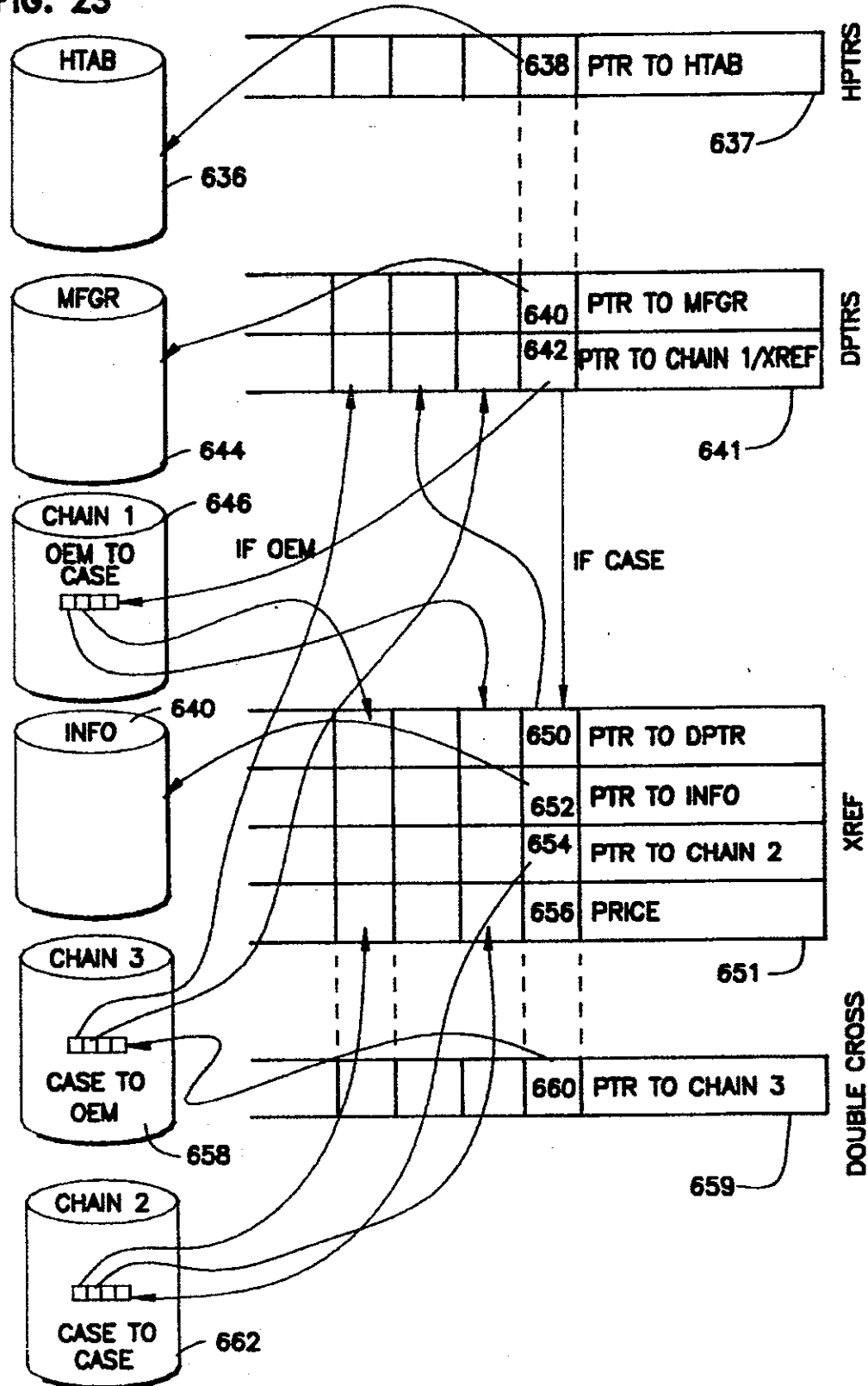
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FIG. 23



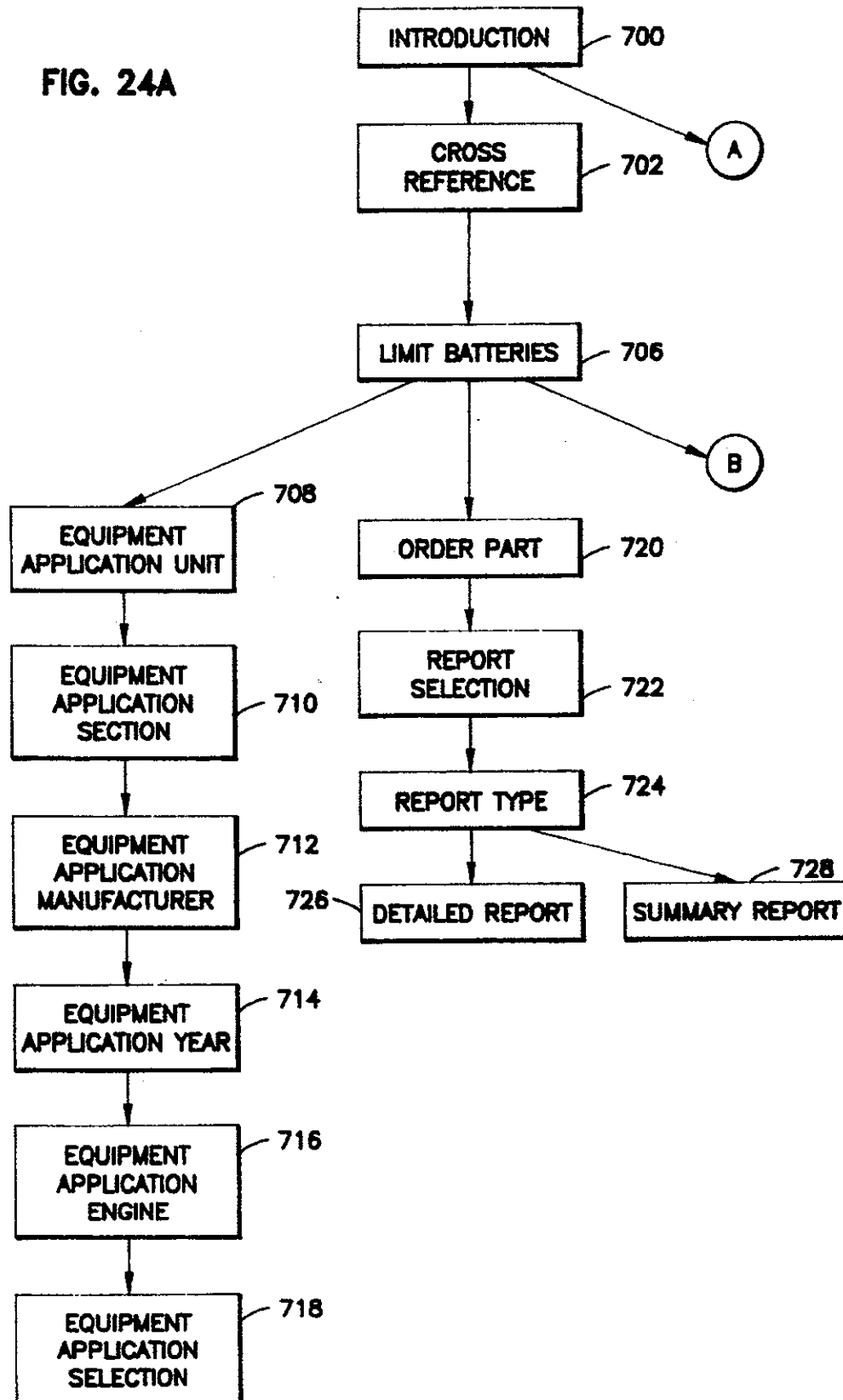
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FIG. 24A

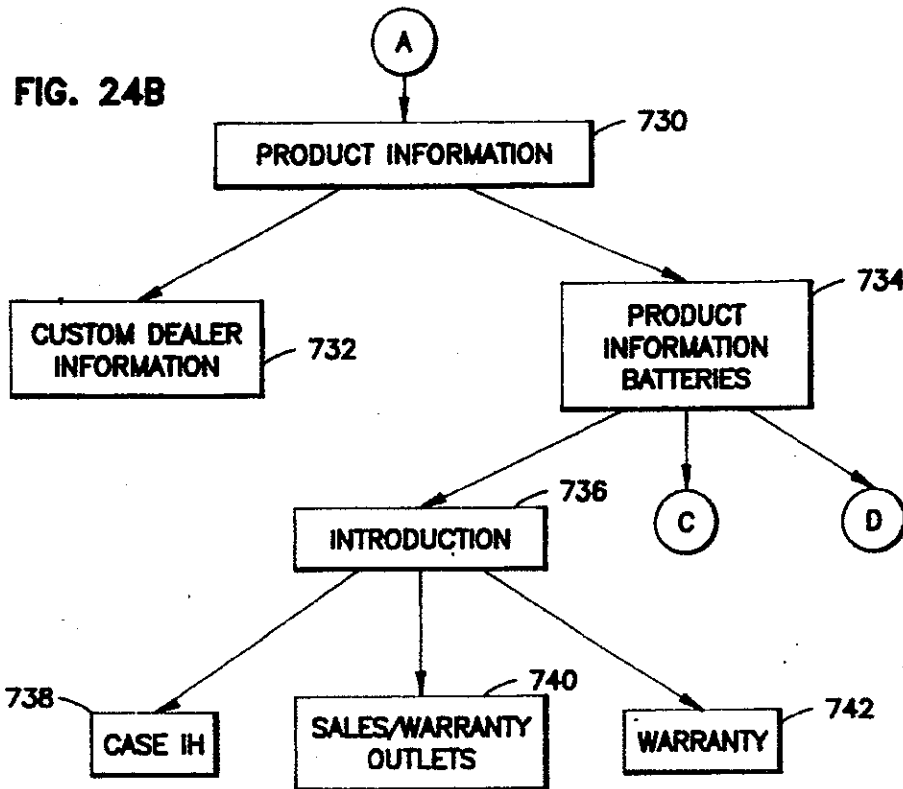
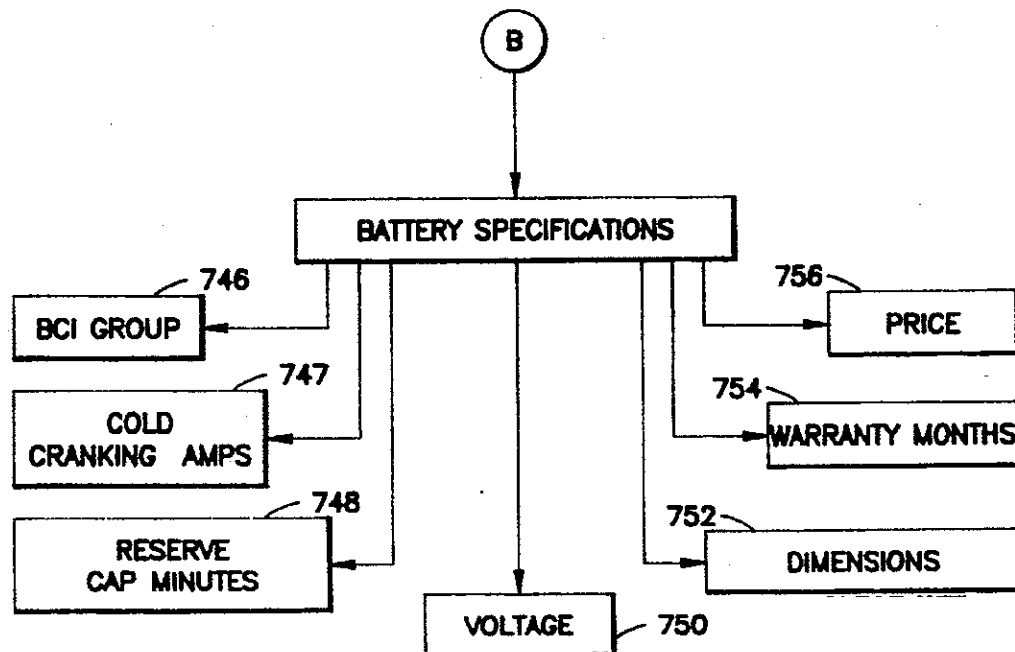


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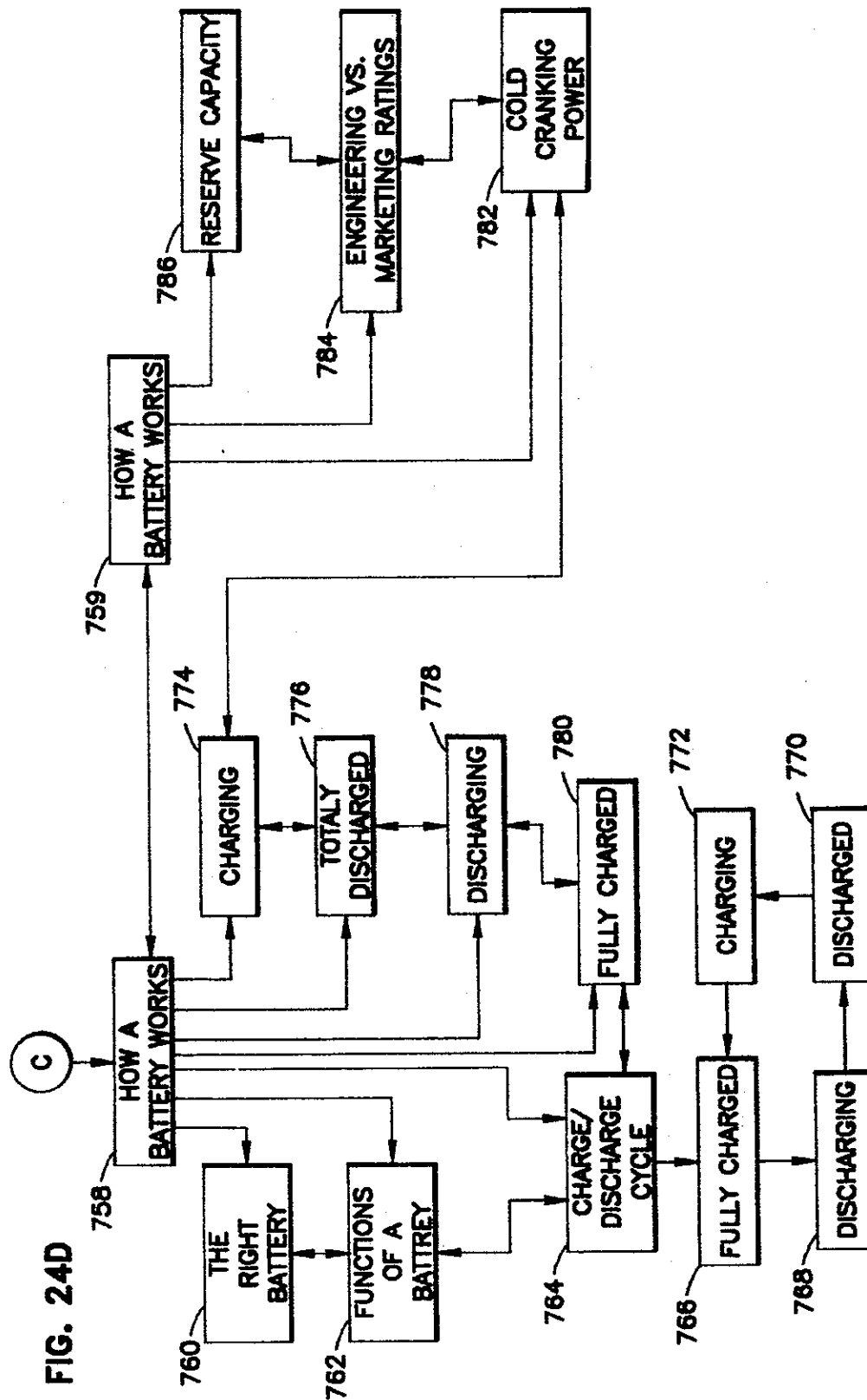
**FIG. 24C**

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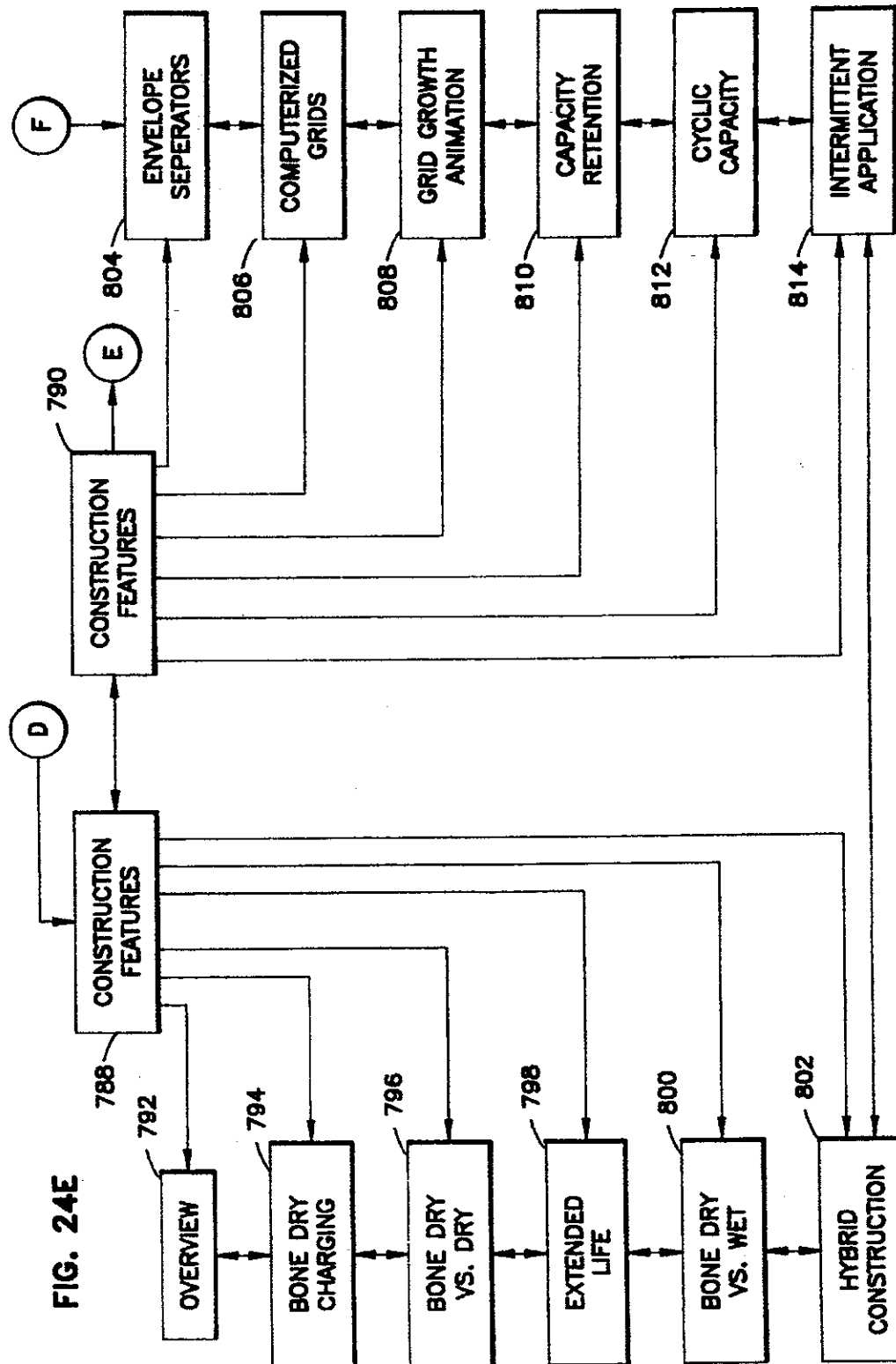


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FIG. 24F

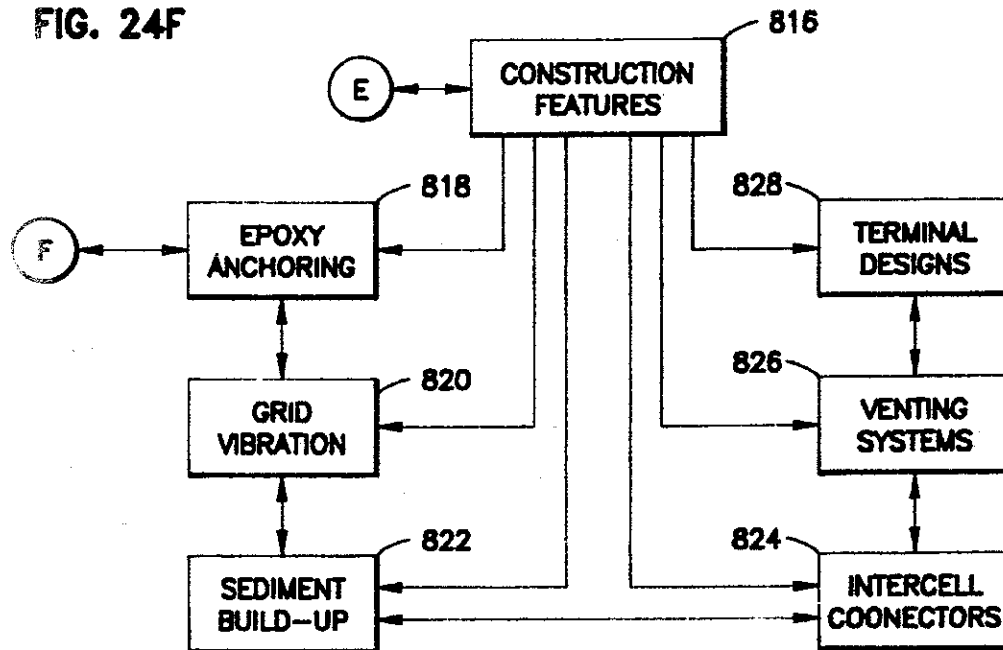
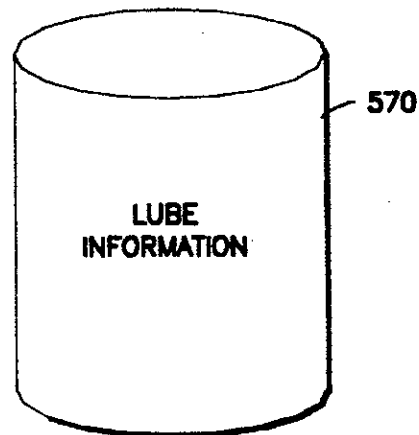


FIG. 18



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FIG. 25

CASEIH PARTS Introduction	
<div data-bbox="396 703 454 735">700</div> <p> QUICK REFERENCE Cross-Reference Product Information PRESENTATIONS/PROPOSALS Customer Presentation Customer Equipment TIME-SAVING TOOLS GRAPHIC SLIDE SHOW CUSTOMIZE Leave CASS PARTS </p>	<p> Cross-Reference <hr/> Quickly find a part by entering a part number or a description of the equipment the part will fit </p>

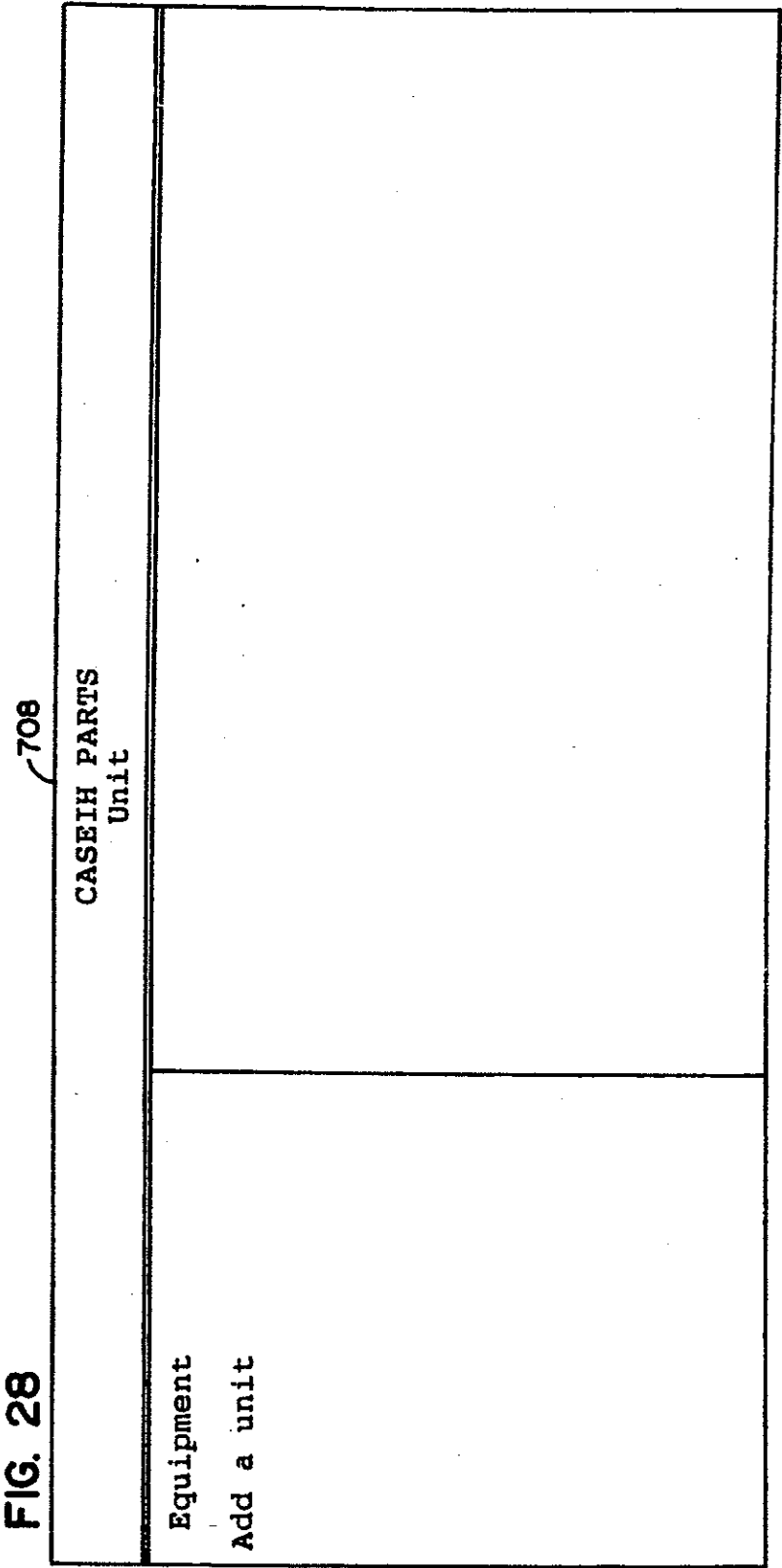
FIG. 26

CASEIH PARTS Cross-Reference	
<div data-bbox="388 1423 446 1455">702</div> <p> Batteries Filters Remanufactured Electric Lubrication Bearings Main Menu </p>	<p> Batteries <hr/> Choose a battery by specifying: 1) CASE part number OR 2) Equipment Application (make & model) OR 3) Battery Specifications </p>

FIG. 27

7067

CASEIH PARTS Limit Batteries	
<div>CASEIH PART #</div> <div>EQUIPMENT APPLICATION</div> <div>BATTERY SPECIFICATIONS</div> <div>BCI Group</div> <div>Cold Cranking Amps</div> <div>Reserve Cap Minutes</div> <div>Voltage</div> <div>Dimensions (inches)</div> <div>Warranty Months</div> <div>Price</div>	<div>CASEIH PART #</div> <div>Specify the CASEIH Part number for the battery you wish to select.</div> <div>Press right arrow when lit to go to order screen.</div>



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FIG. 29

CASEIH PARTS Unit	
Equipment Add a unit	<div>Section INDUSTRIAL, ROAD & MISC. EQUIPMENT FARM EQUIPMENT LIGHT TRUCKS & VANS PASSENGER CARS TRUCKS, BUSES & COACHES</div>

FIG. 30

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CASEIH PARTS Unit	
Equipment Add a unit	<div>Manufacturer</div> <div>ACURA ALFA ROMEO ACADIAN (GM CANADA) AMERICAN MOTORS AMC/EAGLE/RENAULT AUDI AUSTIN AUSTIN HEALEY AUTO UNION-DKW BEAUMONT (GM CANADA)</div> <div>1 of 7</div>

FIG. 31

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CASEIH PARTS Unit	
Equipment	<div>Year 1970-77 1970-79 1973-74 1974-77 1974-79 1975-76 1978-79 1978-81 1980-81 1982 1 of 2</div>
Add a unit	